



NOG 10

## Notes of Guidance

### Completion of Medical Review Certificate for Suspended 3rd Tier Pensioner

Review 3 or more years after the cessation of the 3rd tier pension, and before Normal Pension Age, where cessation of employment occurred after 31 March 2014

#### The Completion of the Form

- If **2A** is ticked, the 3rd tier ill health pension remains suspended as, in the independent registered medical practitioner's opinion, the member does not satisfy the requirements to have it brought back into payment.
- If **2B** is ticked, the employer can determine to bring the suspended 3rd tier ill health pension back into payment from the date they so determine. Pensions Increase will be payable under the Pensions (Increase) Act 1971 even if the member is under age 55.
- The opinion given by the approved registered medical practitioner does not, in itself, determine whether the suspended pension is brought back into payment. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will be payable. It is for the former employing authority to make the formal determination. If the former employer agrees to bring the suspended Tier 3 ill health pension into payment early, the pension is payable from the date of the former employer's determination that the member meets the criteria for early release of the suspended Tier 3 ill health pension under the LGPS (and not from the date of the member's application for early payment or from the date the IRMP signs this certificate).

#### Glossary of Terms

- Normal pension age' means the employee's individual State pension age at the time the deferred benefit is to be brought into payment, but with a minimum of age 65. State pension age is currently age 65 for men. State pension age for women is currently being increased to be equalised with that for men. Women's State pension age will reach 65 by November 2018. The State pension age will then begin to increase further for both men and women from December 2018 onwards. To determine an individual's State pension age please go to <http://www.pensionsadvisoryservice.org.uk/state-pensions/know-your-state-pension-age>

- 'Permanently incapable' means that the person was, more likely than not, incapable of discharging efficiently the duties of their employment with the employer because of ill health or infirmity of mind or body until, at the earliest, their normal retirement age.
- 'Gainful employment' means paid employment for not less than 30 hours in each week for a period of not less than 12 months. It does not have to be employment that is commensurate in terms of pay and conditions with that of the person's former employment.
- The Independent Registered Medical Practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- The Independent Registered Medical Practitioner is providing an opinion on the person's capability of undertaking gainful employment based solely on the effect the medical condition has on the ability to undertake gainful employment.
- The Independent Registered Medical Practitioner signing the certificate does not have to be a different independent registered medical practitioner to the one who originally certified the scheme member's permanent incapacity at the date of leaving i.e. the same practitioner can sign this certificate too.

## **Disclaimer**

These notes were up-to-date when this form was updated in June 2014 and are provided for information only. They confer no contractual or statutory rights and in the event of any dispute the appropriate legislation will prevail.

**This is a medical certificate provided by an independent, approved, duly qualified registered medical practitioner in respect of a 3rd tier pensioner whose pension is currently suspended and who requests early reinstatement on health grounds in accordance with regulation 38 of the Local Government Pension Scheme Regulations 2013.**