



## Notes of Guidance

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

*(Where the cessation of employment occurred after 31 March 2014, and where the Review is within 3 years of employment cessation date and before NPA)*

### The Completion of the Form

#### Section 2

- If **Section A1** and **B1** are ticked, the former employer can determine to cease payment of the pension (or can determine to continue payment, for so long as the person is not in gainful employment up to a maximum period of 3 years from the date of leaving shown in Section 1 or to the date the person attains normal pension age, if earlier).
- If **A1** and **B2** are ticked, the former employer can determine to continue payment, for so long as the person is not in gainful employment up to the date the independent registered medical practitioner has said that the person is likely to be capable of undertaking gainful employment or to the date the person attains normal pension age, if earlier (or can determine to cease payment of the pension; or can determine to continue payment, for so long as the person is not in gainful employment up to a maximum period of 3 years from the date of leaving shown in Section 1 or to the date the person attains normal pension age, if earlier).

If **A2** has been ticked the former employer can determine to award an enhanced (tier 2) ill health pension, payable from the date of their determination. If they do so, there is no pension input amount for the purposes of the annual allowance test under the Finance Act.

The opinion given by the approved registered medical practitioner does not, in itself, determine the cessation or otherwise of a benefit under the LGPS. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will or will not be payable. It is for the former employing authority to make the formal determination.

## Glossary of Terms

- 'Normal pension age' means the employee's individual State pension age at the time the benefit was brought into payment, but with a minimum of age 65. State pension age is currently age 65 for men. State pension age was equalised to age 65 in November 2018. State pension age will continue to increase 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 is, more likely than not, incapable of discharging efficiently the duties of their former employment with the employer because of ill health or infirmity of mind or body until, at the earliest, their normal pension 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 2019 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 in payment in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013.***