

**3<sup>rd</sup> Tier III Health Retirement Review Certificate for a Current 3<sup>rd</sup> Tier Pensioner where the cessation of employment occurred after 31 March 2014 – England and Wales – Review taking place 18 months after the date of cessation of employment (and before normal pension age (1)).**

**Part A: To be completed by the employer**

Surname of employee:

Forenames:

Mr / Mrs / Miss / Ms\*

Date of birth:

NI Number:

Home address:

Employer at date became a tier 3 ill health pensioner:

Position (post title) at date became a tier 3 ill health pensioner:

Nature of employment at date became a tier 3 ill health pensioner\*\*:

Date of leaving:

The person named above was, at the date of cessation of their former position, certified as being permanently incapable (2) of discharging efficiently the duties of his / her employment with his / her employer because of ill health or infirmity of mind or body, and that, although not immediately capable at that time of undertaking other gainful employment (3), it was nevertheless likely that he / she would be capable of undertaking gainful employment (3) within 3 years of the date of cessation of employment (or by his / her normal pension age (1), if earlier). He / she was awarded a short-term, reviewable, 3<sup>rd</sup> tier pension. It is now necessary to review, in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013, whether, and if so when, will be likely to be capable of undertaking of undertaking (5) gainful employment (3).

(\*delete as appropriate)

(\*\* please give full description of the requirements of the job and / or attach copy of job description if available)

**Part B: To be completed by the approved (4) registered medical practitioner.**

**Please tick either B1 or B2**

I certify that, in my opinion, having considered their ill health or infirmity, the person named in Part A

B1: **IS STILL LIKELY** to be capable of undertaking (5) gainful employment (3) within three years of the date of leaving shown in Part A (or by their normal pension age (1), if earlier)

B2: **IS UNLIKELY** to be capable of undertaking (5) gainful employment (3) within three years of the date of leaving shown in Part A but is likely to be able to undertake (5) gainful employment (3) at some point thereafter and is permanently incapable (2) of discharging efficiently the duties of the employment they were undertaking at the date of leaving shown in Part A and which gave rise to the tier 3 ill health pension.

**If B2 has been ticked please move to Part C of this form.**

**If B1 has been ticked, please tick B3 or B4 then move to Part C of this form.**

I certify that, in my opinion, the person named in Part A

B3: **IS CURRENTLY** capable of undertaking (5) gainful employment (3).

B4: **IS NOT CURRENTLY** capable of undertaking (5) gainful employment (3) but is likely to be able to do  [Enter a date up to a maximum of the day preceding the third anniversary of the date of leaving shown in section A].

**Part C: General statement to be completed by the approved (4) registered medical practitioner.**

I do / do not\* attach a copy of my full report / assessment and I certify that:

I am registered with the General Medical Council

AND

I hold a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State (with 'competent authority' having the meaning given by Section 55(1) of the Medical Act 1983), or I am an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or of an equivalent institution in an EEA State

AND

I have given due regard to the guidance issued by the Secretary of State when completing this certificate\*\*.

..... Date: .....  
Signature of independent registered medical practitioner (6)

.....  
Printed name of independent registered medical practitioner (6)

Registered medical practitioner's / company's official stamp  
(Optional)

(\* delete as appropriate)

(\*\* the guidance document is available at <http://www.lgpsregs.org/index.php/dclg-publications/dclg-stat-guidance>)

### **Explanatory notes to accompany certificate**

#### **Meaning of terms used**

- (1) '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 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>
- (2) '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 – see (1).
- (3) '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.
- (4) The independent registered medical practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- (5) 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.
- (6) 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.

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## General – notes for employers

If B1 and B3 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 (3), up to a maximum period of 3 years from the date of leaving shown in Part A or to the date the person attains normal pension age (1), if earlier).

If B1 and B4 are ticked, the former employer can determine to continue payment, for so long as the person is not in gainful employment (3), up to the date the independent registered medical practitioner has said that the person is likely to be capable of undertaking gainful employment (3) or to the date the person attains normal pension age (1), 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 (3), up to a maximum period of 3 years from the date of leaving shown in Part A or to the date the person attains normal pension age (1), if earlier).

If B2 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.

*These notes were up-to-date when this form was reviewed 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 3<sup>rd</sup> tier pensioner whose pension is currently in payment in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013.*