

The Local Government Pensions Committee
Secretary: Terry Edwards

CIRCULAR

Please pass on sufficient copies of this Circular to your
Treasurer/Director of Finance and to your Personnel and Pensions
Officer(s) as quickly as possible

No. 212 – JULY 2008

ILL HEALTH CERTIFICATES – ENGLAND AND WALES

Purpose of this circular:

1. This Circular provides sample ill health certificates for the LGPS in England and Wales

Ill health: active scheme members (other than councillor members)

2. The new look LGPS in England and Wales introduced a three tier ill health system as from 1 April 2008 for employees who are members of the LGPS. To qualify for a benefit:
 - the employee must have at least 3 months membership or have had a transfer of pension rights into the LGPS, and
 - the employer must terminate the employment on the grounds that the employee's ill health or infirmity of mind or body renders him / her permanently incapable of discharging efficiently the duties of his / her employment, and
 - the employee must have a reduced likelihood of obtaining gainful employment before age 65.

Note: gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

3. Prior to making a determination as to whether the employee is entitled to a benefit under the LGPS the employer must have obtained a certificate from an approved¹ independent registered medical practitioner (IRMP) qualified in occupational health medicine as to whether, in the medical practitioner's opinion, the member is suffering from a condition that renders him / her permanently incapable of discharging efficiently the duties of his / her employment because of ill-health or infirmity of mind or body and, if so, whether as a result of that condition he / she has a reduced likelihood of obtaining any gainful employment (whether in local government or elsewhere) before age 65.
4. If all of the conditions in paragraph 2 above have been met, and the employer has obtained the certificate referred to in paragraph 3 above, the scheme member is entitled to a tier 1, tier 2, or tier 3 pension i.e.
- Tier 1 : if the member is judged to have no reasonable prospect of being capable of obtaining gainful employment before age 65, pension benefits are payable based on accrued membership plus 100% of prospective membership² between leaving and age 65.
- Tier 2 : if the member is judged to be incapable of obtaining gainful employment within 3 years of leaving but is likely to be capable of obtaining gainful employment before age 65, pension benefits are payable based on accrued membership plus 25% of prospective membership² between leaving and age 65.
- Tier 3: if the member is judged to be capable of obtaining gainful employment within 3 years of leaving, short-term reviewable pension benefits are payable based on accrued membership only.
5. The pension payable to a 3rd tier member will be payable for such time as the member does not obtain gainful employment, or until the employer stops payments following the "review" (see below) or, in any event, at the end of 3 years.

¹ Approved by the Pension Fund Administering Authority

² If the member is part time, the enhancement is pro-rated based on their hours at the date of leaving but ignoring any reduction in hours directly resulting from the employee's ill health or infirmity of mind or body.

The 3rd tier member will be required to notify the previous employer when employment is found providing details, including pay and working hours, and the employer would then stop payments if this was gainful employment.

The (ex) employer will be required to undertake a review when payments have been made for 18 months if payments are still continuing at that point.

At the review, the previous employer will ask the 3rd tier member if their circumstances have changed, seeking full details. If the employer decides from the information provided that gainful employment has been obtained the 3rd tier payments will be stopped. The (ex) employer is required to notify the administering authority without delay when payments should be stopped.

If, as a result of the (ex) employer's enquiry, it is found that a 3rd tier member has not found gainful employment, the (ex) employer will be able to seek a further opinion from an independent registered medical practitioner (IRMP) concerning the condition which resulted in the 3rd tier pension. If, as a result of the new medical certificate, the (ex) employer considers that the member is capable of obtaining gainful employment, the 3rd tier payments will be stopped. The (ex) employer will be required to notify the administering authority without delay when payments should be stopped.

Where a 3rd tier pension is stopped, it is suspended from that point onwards. However, if the employer believes the person was in gainful employment before the date of suspension, the employer can seek to recover any "overpayment" from the 3rd tier member.

If, however, at the review, the IRMP certifies that, in his / her opinion, the member is not now likely to be capable of obtaining gainful employment within 3 years of the date of leaving, the employer can determine that the 3rd tier member should become a 2nd tier member and the date of the employer's further determination will decide the date from which the uplift to the 2nd tier (plus enhancement) will be put into payment.

Protections

6. Benefits Regulation 20(13) provides that a member being retired on health grounds who was a member of the scheme before 1 April 2008, and who was aged 45 or over before that date, should get no less an amount of enhancement than he / she would have received under the 1997 Regulations.

7. Benefits Regulation 20(15) provides that where a determination to retire a member on health grounds is made before 1 October 2008, the enhancement to be awarded must not be less than would have been awarded had the 1997 Regulations continued in force – see Pension Changes No. 5 (June 2008) issued by CLG which will be posted to their website <http://www.xoq83.dial.pipex.com/whatsnew.htm> .

The protection afforded by Benefits Regulation 20(15) means that, until the end of September 2008, the IRMP will also need to be asked whether the person meets the old ill health definition.

Ill health: active councillor members

8. Councillor members are still subject to the “old” ill health regime. Thus, a councillor who is certified as ceasing to hold office as a councillor by reason of being permanently incapable (until age 65) of discharging efficiently the duties of that office because of ill-health or infirmity of mind or body is entitled to ill health pension benefits in accordance with the rules of the LGPS Regulations 1997. The benefits are enhanced in accordance with the following table:

| Total Membership | Total Membership after Increase Awarded |
|------------------------------|--|
| Between 3 months and 5 years | Actual total membership only |
| Between 5 and 10 years | Total membership doubled |
| Between 10 and 13 1/3 years | Total membership increased to 20 years |
| Over 13 1/3 years | Total membership increased by 6 2/3 years |

The increased membership, however, must not exceed the total membership the councillor would have accrued had he / she continued in office until age 65.

9. When, at the date of retirement, the administering authority is satisfied that there is a life expectancy of less than a year, the administering authority may commute the pension into a lump

sum equal to a lump sum of five times the annual amount of pension given up.

Ill health: deferred scheme members

10. A deferred member may apply for early payment of their deferred benefits if they become permanently incapable of performing the duties of their former post by reason of ill health or infirmity of mind or body.
11. There are 4 categories of deferred member
 - employees who ceased membership prior to 1 April 1998
 - employees who ceased membership between 1 April 1998 and 31 March 2008, both dates inclusive
 - employees who ceased membership on or after 1 April 2008
 - councillors with deferred benefits

The rules governing each are slightly different.

12. Employees who ceased membership prior to 1 April 1998 are subject to the LGPS Regulations 1995 and to the provisions of the LGPS (Transitional Protections) Regulations 1997. In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is permanently incapable³ because of ill health or infirmity of mind or body of discharging efficiently the duties of their former employment and, if so:
 - the date from which the applicant became permanently incapable (based on evidence that was discoverable at the time). This date is needed because the deferred pension is to be paid from the date on which the applicant became permanently incapable, which might be earlier than the date the deferred member submitted his / her application for early payment
 - whether the applicant has a life expectancy of less than 1 year (as, if so, the pension can be commuted into a one off lump sum payment equal to 5 years of pension)
 - whether, where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment and, if so, the date from which the applicant became so incapable. This information is required to determine whether, and if so the date from

³ Until age 65 (or age 70 in the case of Coroners)

which, Pensions Increase is to be applied under the Pensions Increase Act 1971.

The IRMP also has to confirm that he / she has not previously advised, or given an opinion on, or otherwise been involved in the case; that he / she is not acting, and has not at any time acted, as the representative of the applicant, the (ex) employer or any other party in relation to the case; and must confirm that he / she holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, or is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or of an equivalent institution in an EEA State.

13. Employees who ceased membership between 1 April 1998 and 31 March 2008 (both dates inclusive) and any councillor with a deferred pension are subject to the LGPS Regulations 1997. In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is permanently incapable³ because of ill health or infirmity of mind or body of discharging efficiently the duties of their former post and, if so:

- whether the applicant has a life expectancy of less than 1 year (as, if so, the pension can be commuted into a one off lump sum payment equal to 5 years of pension)
- whether, where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment and, if so, the date from which the applicant became so incapable. This information is required to determine whether, and if so the date from which, Pensions Increase is to be applied under the Pensions Increase Act 1971.

The IRMP also has to confirm that he / she has not previously advised, or given an opinion on, or otherwise been involved in the case; that he / she is not acting, and has not at any time acted, as the representative of the applicant, the (ex) employer or any other party in relation to the case; and must confirm that he / she holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, or is an Associate, a Member or a Fellow of the Faculty

of Occupational Medicine or of an equivalent institution in an EEA State.

14. Employees who ceased membership on or after 1 April 2008 are subject to the LGPS (Benefits, Membership and Contributions) Regulations 2007 and to the LGPS (Administration) Regulations 2008. In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is permanently incapable⁴ because of ill health or infirmity of mind or body of discharging efficiently the duties of their former post and, if so:
- whether the ill health or infirmity is likely to prevent the applicant from obtaining other gainful employment, whether in local government or elsewhere, within 3 years of the date of application or, if earlier, before age 65. The intention is that only deferred pensioners who, at the date of application, would have met the provisions of Benefits Regulations 20(2) or (3) if they had still been employed by the (ex) employer (i.e. would have fallen into the 1st or 2nd tier), will be able to have their deferred pension brought into payment
 - whether, where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment and, if so, the date from which the applicant became so incapable. This information is required to determine whether, and if so the date from which, Pensions Increase is to be applied under the Pensions Increase Act 1971.

The IRMP also has to confirm that he / she has not previously advised, or given an opinion on, or otherwise been involved in the case; that he / she is not acting, and has not at any time acted, as the representative of the applicant, the (ex) employer or any other party in relation to the case; must confirm that he / she holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, or is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or of an equivalent institution in an EEA State; and must confirm that he / she has given due regard to statutory guidance issued by the Secretary of State.

Certificates

⁴ Until age 65

15. In order to assist authorities in England and Wales, the LGPC Secretariat has drawn up the following sample certificates which are attached to this Circular:
- ill health retirement certificate for current employees (determinations made after 30 September 2008)
 - ill health retirement certificate for current employees (determinations made before 1 October 2008)
 - ill health certificate for a deferred beneficiary who ceased membership as an employee on or after 1 April 2008
 - ill health certificate for a deferred beneficiary who ceased membership as an employee between 1 April 1998 and 31 March 2008
 - ill health certificate for a deferred beneficiary who ceased membership as an employee prior to 1 April 1998
 - ill health retirement certificate for current councillors
 - ill health certificate for a deferred councillor member
16. **Authorities should not use the sample certificates without checking with their pension fund administering authority. This is because the administering authority may well have their own certificates / forms which they wish employers in their Fund to use.**
17. The LGPC Secretariat is preparing sample certificates for use when reviewing 3rd tier ill health benefits. These will be issued in due course.

Terry Edwards
Head of Pensions
July 2008

Example Ill Health Retirement Certificate for a Current Employee – England and Wales – for determinations made after 30 September 2008.

Certificate of permanent incapacity by an independent, approved, duly qualified registered medical practitioner in accordance with regulation 20 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) in respect of a current employee.

Part A: To be completed by the employer

Surname of employee:

Forenames:

Mr / Mrs / Miss / Ms*

Date of birth:

NI Number:

Home address:

Employer:

Place of work:

Nature of employment (job description attached):

Have the employee's contractual hours been reduced as a result of their ill health or infirmity or mind or body? Yes / No *

(*delete as appropriate)

Part B: To be completed by the approved (1) registered medical practitioner. Please tick appropriate boxes.

Please tick either B1 or B2

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

B1: IS

B2: IS NOT

on the balance of probabilities, 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.

If B1 has been ticked, please tick B3 or B4

I certify that, in my opinion, as a result of that ill health or infirmity the person named in Part A

B3: DOES

B4: DOES NOT

have a reduced likelihood of being capable of obtaining other gainful employment (3), whether in local government or elsewhere, before age 65.

If B3 has been ticked I further certify that in my opinion:

B5: As a result of their ill health or infirmity, there is no reasonable prospect of the person named in Part A being capable of obtaining gainful employment (3) before age 65.

OR

B6: Although, as a result of their ill health or infirmity, the person named in Part A cannot obtain gainful employment (3) within the next three years he / she is likely to be capable of gainful employment (3) at some time thereafter and before age 65.

OR

B7: Having considered their ill health or infirmity, the person named in Part A is likely to be capable of obtaining gainful employment (3) within the next three years (or, if he / she attains age 65 within the next three years, the person is likely to be capable of obtaining gainful employment (3) before age 65).

If B3 has been ticked and the contractual hours of the person named in

**Part A have been reduced by the employer (as indicated in Part A)
please tick B8 or B9**

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

B8: IS B9: IS NOT

in part-time service wholly or partly as a result of the condition that has caused him / her to be permanently incapable of discharging efficiently the duties of his / her employment.

General statement

I certify that:

I have not previously advised, or given an opinion on, or otherwise been involved in this case

AND

I am not acting, and have not at any time acted, as the representative of the person named in Part A, the employer or any other party in relation to this case

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, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, 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

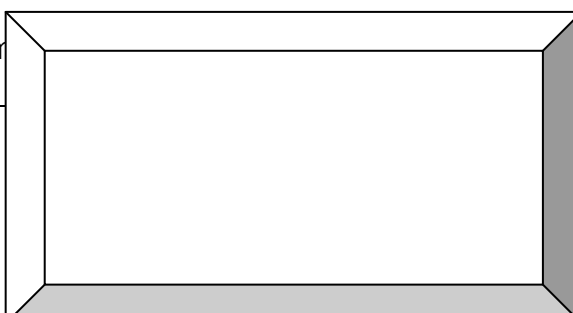
I have given due regard to any guidance issued by the Secretary of State when completing this certificate.

..... Date:

Signature of independent registered medical practitioner

.....
Printed name of independent registered medical practitioner

On behalf of (use official stamp)



Important notes:

- (1) The independent registered medical practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- (2) 'Permanently incapable' means that the person will, more likely than not, be incapable until, at the earliest, their 65th birthday.
- (3) 'Gainful employment' means paid employment (whether in local government or elsewhere) 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 current employment.

Example III Health Retirement Certificate for a Current Employee – England and Wales – for determinations made before 1 October 2008.

Certificate of permanent incapacity by an independent, approved, duly qualified registered medical practitioner in accordance with regulation 20 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) in respect of a current employee.

Part A: To be completed by the employer

Surname of employee:

Forenames:

Mr / Mrs / Miss / Ms*

Date of birth:

NI Number:

Home address:

Employer:

Place of work:

Nature of employment (job description attached):

Have the employee's contractual hours been reduced as a result of

their ill health or infirmity or mind or body? Yes / No *

(*delete as appropriate)

Part B: To be completed by the approved (1) registered medical practitioner. Please tick appropriate boxes.

In order that the employer can determine whether the "old" ill health test under the LGPS Regulations 1997 is met, please tick either B1 or B2

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

B1: IS

B2: IS NOT

on the balance of probabilities, permanently incapable (2) of discharging efficiently the duties of his / her employment or any other available comparable employment (3) with his / her employer because of ill health or infirmity of mind or body.

In order that the employer can determine whether the "new" ill health test under the Benefits Regulations is met, please tick either B3 or B4

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

B3: IS

B4: IS NOT

on the balance of probabilities, 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.

If B3 has been ticked, please tick B5 or B6

I certify that, in my opinion, as a result of that ill health or infirmity the person named in Part A

B5: DOES

B6: DOES NOT

have a reduced likelihood of being capable of obtaining other gainful employment (4), whether in local government or elsewhere, before

age 65.

If B5 has been ticked I further certify that in my opinion:

B7: As a result of their ill health or infirmity, there is no reasonable prospect of the person named in Part A being capable of obtaining gainful employment (4) before age 65.

OR

B8: Although, as a result of their ill health or infirmity, the person named in Part A cannot obtain gainful employment (4) within the next three years he / she is likely to be capable of gainful employment (4) at some time thereafter and before age 65.

OR

B9: Having considered their ill health or infirmity, the person named in Part A is likely to be capable of obtaining gainful employment (4) within the next three years (or, if he / she attains age 65 within the next three years, the person is likely to be capable of obtaining gainful employment (4) before age 65).

If B5 has been ticked and the contractual hours of the person named in Part A have been reduced by the employer (as indicated in Part A) please tick B10 or B11

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

B10: IS

B11: IS NOT

in part-time service wholly or partly as a result of the condition that has caused him / her to be permanently incapable of discharging efficiently the duties of his / her employment.

General statement

I certify that:

I have not previously advised, or given an opinion on, or otherwise been involved in this case

AND

I am not acting, and have not at any time acted, as the representative of the person named in Part A, the employer or any other party in relation to this case

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, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, 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

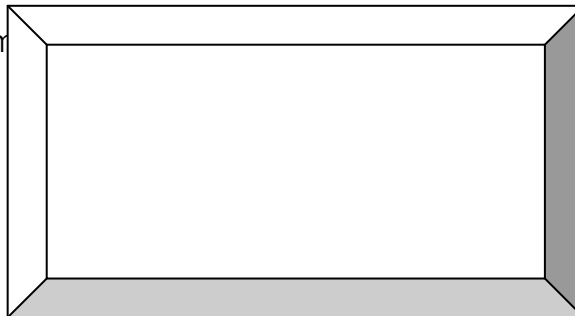
AND

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

..... Date:
Signature of independent registered medical practitioner

.....
Printed name of independent registered medical practitioner

On behalf of (use official stamp)



Important notes:

- (1) The independent registered medical practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- (2) 'Permanently incapable' means that the person will, more likely than not, be incapable until, at the earliest, their 65th birthday.
- (3) 'Comparable employment' means employment in which, when compared to the person's current employment
 - a) the contractual provisions as to capacity either are the same or differ only to an extent that is reasonable given the nature of the member's ill-health or infirmity of mind or body; and
 - b) the contractual provisions as to place, remuneration, hours of work, holiday entitlement, sickness or injury entitlement and other material terms do not differ substantially from those of the person's current employment.

(4) 'Gainful employment' means paid employment (whether in local government or elsewhere) 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 current employment.

Example III Health Certificate for a Deferred Beneficiary who ceased membership as an employee on or after 1 April 2008 – England and Wales.

Certificate of permanent incapacity by an independent, approved, duly qualified registered medical practitioner in accordance with regulation 31 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) in respect of a deferred member.

Part A: To be completed by the former Scheme employer

Surname of former employee:

Forenames:

Mr / Mrs / Miss / Ms*

Date of birth:

NI Number:

Home address:

Former employer:

Former position (post title):

Nature of former employment:

Date of cessation of former position:

Date of application for early payment of deferred benefits:

(*delete as appropriate)

Part B: To be completed by the approved (1) registered medical practitioner. Please tick appropriate boxes.

Please tick either B1 or B2

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

B1: IS

B2: IS NOT

on the balance of probabilities, permanently incapable (2), because of ill health or infirmity of mind or body, of discharging efficiently the duties of his / her former employment which gave rise to the deferred benefits in the Local Government Pension Scheme.

If B1 has been ticked, please tick B3 or B4

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

B3: IS

B4: IS NOT

likely to prevent him / her from obtaining other gainful employment (3), whether in local government or elsewhere, within three years of the date of

application shown in Part A or, if earlier, before age 65.

If B3 has been ticked and the person named in Part A is under age 55 at the date of application shown in Part A, please tick B5 or B6

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

B5: IS B6: IS NOT

at the date of application for early payment of deferred benefits shown in Part A, permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment. (Note: the answer is used to determine whether the pension should be immediately increased under Pensions Increase legislation).

General statement

I certify that:

I have not previously advised, or given an opinion on, or otherwise been involved in this case

AND

I am not acting, and have not at any time acted, as the representative of the person named in Part A, the former employer or any other party in relation to this case

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, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, 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

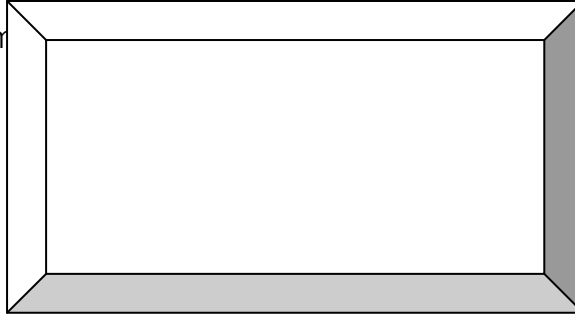
AND

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

..... Date:
Signature of independent registered medical practitioner

.....
Printed name of independent registered medical practitioner

On behalf of (use official stamp)



Important notes:

- (1) The independent registered medical practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- (2) 'Permanently incapable' means that the person will, more likely than not, be incapable until, at the earliest, their 65th birthday.
- (3) 'Gainful employment' means paid employment (whether in local government or elsewhere) 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 which gave rise to the deferred benefits in the Local Government Pension Scheme.

Example III Health Certificate for a Deferred Beneficiary who ceased membership as an employee on or after 1 April 1998 and before 1 April 2008 – England and Wales.

Certificate of permanent incapacity by an independent, approved, duly qualified registered medical practitioner in accordance with regulation 97 of the Local Government Pension Scheme Regulations 1997 (as amended) in respect of a deferred member.

Part A: To be completed by the former Scheme employer

Surname of former employee:

Forenames:

(*delete as appropriate)

Part B: To be completed by the approved (1) registered medical practitioner. Please tick appropriate boxes.

Please tick either B1 or B2

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

B1: IS

B2: IS NOT

on the balance of probabilities, permanently incapable (2) of discharging efficiently the duties of his / her office as a councillor with his / her authority because of ill health or infirmity of mind or body.

If B1 has been ticked, please tick B3 or B4

I certify (3) that, in my opinion, the person named in Part A

B3: IS exceptionally ill, with a life expectancy of less than 1 year

and is aware of this

and is not aware of this

B4: IS NOT exceptionally ill and has a life expectancy of 1 year or more

General statement

I certify that:

I have not previously advised, or given an opinion on, or otherwise been involved in this case

AND

I am not acting, and have not at any time acted, as the representative of the person named in Part A, the authority or any other party in relation to this case

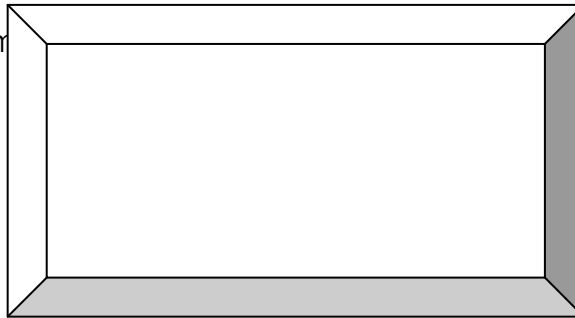
AND

I hold a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State, which has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualification) Order 2003, 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.

..... Date:
Signature of independent registered medical practitioner

.....
Printed name of independent registered medical practitioner

On behalf of (use official stamp)



Important notes:

- (1) The independent registered medical practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- (2) 'Permanently incapable' means that the person will, more likely than not, be incapable until, at the earliest, their 65th birthday.
- (3) Certification of limited life expectancy of less than 1 year may only be provided by a fully registered person within the meaning of the Medical Act 1983. The full text of the Act can be found at www.gmc-uk.org/about/legislation/medical_act.asp#2

Website

Visit the LGE's website at: www.lge.gov.uk

Copyright

Copyright remains with Local Government Employers (LGE). This Circular may be reproduced without the prior permission of LGE provided it is not used for commercial gain, the source is acknowledged and, if regulations are reproduced, the Crown Copyright Policy Guidance issued by OPSI is adhered to.

Disclaimer

The information contained in this Circular has been prepared by the LGPC Secretariat, a part of LGE. It represents the views of the Secretariat and should not be treated as a complete and authoritative statement of the law. Readers may wish, or will need, to take their own legal advice on the interpretation of any particular piece of legislation. No responsibility whatsoever will be assumed by LGE for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this Circular. Whilst every attempt is made to ensure the accuracy of the Circular, it would be helpful if readers could bring to the attention of the Secretariat any perceived errors or omissions. Please write to:

LGPC
Local Government House
Smith Square
London
SW1P 3HZ

or email: terry.edwards@lge.gov.uk
tel 020 7187 7346
fax 020 7187 7367