

19. **III-Health Retirement**

- (1) Subject to Rule 19(5), a Member who leaves Service before Scheme Pension Age and, in the opinion of the Trustees and on production of such evidence as they require, is prevented by mental or physical incapacity from the performance of his duties shall be entitled to benefits under Rule 20 or alternatively under this Rule. If such incapacity is, in the opinion of the Trustees, the result of his own misconduct or neglect, the Trustees may at their discretion disqualify him from taking benefits under this Rule.
- (2) The benefit under this Rule shall be:
- (a) if Total Membership is less than two years, a lump sum of one quarter of Pensionable Salary, PLUS:

if he has completed at least two years' Linked Qualifying Membership, a pension payable from State Pension Age during his lifetime equal to his Guaranteed Minimum Pension. Rules 24, 25 and 26 shall not apply; or
 - (b) if Total Membership is more than two years but less than five years, or more than 40 years, a pension calculated in accordance with Rule 17; or
 - (c) if Total Membership is at least five years but less than 40 years, a pension calculated in accordance with Rule 17 as if Total Membership included an extra period of the shorter of 10 years and the period between the date of leaving Service and the date the Member will attain Scheme Pension Age, but with a maximum of 40 years.¹¹⁵ For the avoidance of doubt, the £10.10 per annum deduction for Existing Members will apply in respect of such period of Total Membership¹¹⁶. The pension so payable in respect of such extra period shall not be exchangeable for a lump sum under Rule 22 except in the circumstances described in Rule 22(5).¹¹⁷

¹¹⁴ Rule 18(3) has been amended to take account of the interim amendments in clause 7 of the deed of variation dated 31 March 2008 and is amended further by the adoption of this consolidation.

¹¹⁵ Rule 19(2)(c) is amended by the adoption of this consolidation.

¹¹⁶ This rule has been amended in accordance with clause 2 of the deed of variation dated 31 March 2008.

¹¹⁷ This rule was amended by clause 6 of the deed of amendment dated 8 January 2002.

If at the date of leaving Service the Member was in Part-Time Service, the extra period shall be multiplied by the fraction C/D; where C is the number of his weekly contractual hours of work at the date of leaving Service, and D is the number of standard weekly contractual hours of work of a full-time employee in the same or equivalent position (which in case of doubt shall be determined by the Participating Employer.)

- (3) Subject to Rule 19(5), the pension payable under Rule 19(2) (b) or (c) shall be payable from the date of his leaving Service for the lifetime of the Member.
- (4) Subject to Rule 19(5), if a Member who has elected to receive a deferred pension in accordance with Rule 20 becomes, before that pension commences, incapacitated from undertaking remunerative employment by bodily or mental infirmity he shall, on the production of such evidence as the Trustees may require, be entitled to receive immediately the benefits which would have been payable at or from Scheme Pension Age including any increase in the deferred pension accrued to date under Rule 28.
- (5) The Trustees may in their absolute discretion vary or suspend the pension payable under Rule 19(2)(b) or (c) or 19(4) as they deem the circumstances justify if the Member:
 - (a) is, in the opinion of the Trustees, at any time (in the case of a Member leaving Service, whether before or after he leaves Service) capable of earning an income, or
 - (b) does not when so requested supply evidence of continued ill-health satisfactory to the Trustees.
- (6) A decision made by the Trustees under paragraph (1) of this Rule to disqualify a Member from taking benefits under this Rule may be reviewed at any time by the Trustees and if, after review, such decision to disqualify is reversed, the Member shall be entitled to take benefits under this Rule as if the decision to disqualify had never been made.