

**Police Federation
of England and Wales**



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Lloegr a Chymru**

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FROM THE GENERAL SECRETARY'S OFFICE

IR/sg

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JBB CIRCULAR NO : 100/2008

Dear Colleagues

**R (ota ASHTON v MEDICAL APPEAL BOARD) POLICE PENSIONS
REGULATIONS – MEANING OF 'DISABLEMENT'**

The purpose of this circular is to draw your attention to the decision of the Administrative Court in the case of Ashton which further clarifies the meaning of 'the force' in the definition of disablement under the Police Pensions Regulations.

Regulation A12 Police Pensions Regulations 1987 (and regulation 4 Police Pensions Regulations 2006) defines disablement as the 'inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of the force.'

The question has arisen in some cases as to whether the reference to 'the force' means (a) the particular police force in which the officer is serving; or (b) police service as a whole. This can be relevant in cases where an officer is medically unable to perform duties in their own force but could (medically) perform duties in another force. The issue has typically arisen in cases involving mental illness, but in the Corkindale case (see below) arose where the officer had a severe adverse reaction to CS spray, which is not used in all forces.

In the 2003 case of R (ota Sussex Police Authority) v Beck and another ('the Beck case') the court decided that 'the force' meant the police service as a whole.

In the 2006 case of R (ota Corkindale) v Medical Appeal Board ('the Corkindale case') the court disagreed and found that 'the force' meant the police force in which the officer was serving.

The court has now decided in R (ota Ashton) v Medical Appeal Board that Corkindale is correct and Beck is not. Thus in considering whether an officer is permanently disabled the SMP and/or a Police Medical Appeal Board should consider whether the

officer is prevented by a medical infirmity from performing the ordinary duties of the force in which s/he is serving.

A copy of the Judgment is available on the intranet.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Rennie', with a large, stylized initial 'I'.

IAN RENNIE
General Secretary