



Home Office

Crime and Policing Group

Policing Directorate

6th Floor, Fry Building, 2 Marsham Street, London SW1P 4DF

www.homeoffice.gov.uk

**To: Chief Officers
Police Authority Chairs**

**And for the attention of all practitioners involved in the administration of
Police Injury Benefits**

23 February 2012

POLICE (INJURY BENEFIT) REGULATIONS 2006 – REVIEWS OF INJURY AWARDS

The High Court gave a decision on 21 February in the judicial review case of *Simpson*. This judgment concerns guidance on the above, principally that contained in Home Office Circular 46/2004 concerning reviews of the injury awards of former officers who have reached age 65.

The full written judgement is not yet available. However, you should note that the court concluded that the relevant guidance on this particular issue is inconsistent with the 2006 Regulations and unlawful.

Without prejudice, but for the avoidance of any doubt in the circumstances, our current advice is that the following must not be relied upon in the conduct of such reviews:

[Home Office Circular 46/2004](#): in Annex C the section entitled “*Review of Injury Pensions once Officers reach Age 65*”

[Guidance on Medical Appeals](#): paragraph 20 of Section 5, entitled “*Degree of disablement after age 65*”

Under Regulation 37 of the 2006 Regulations the responsibility for such reviews lies with the relevant police authority. (N.B. This is subject to amendment by the Police Pensions (Amendment) Regulations 2011 (SI 2011/3063), in consequence of changes made by the Police Reform and Social Responsibility Act 2011 and the introduction of Police and Crime Commissioners in 2012.) We would advise, in the event that such reviews are being conducted or considered, that police authorities should satisfy themselves that they are acting in accordance with the Regulations and the relevant case law in the light of the decision in *Simpson*.

We are currently considering the further implications of the court’s decision and will

provide further information and advice as appropriate in due course.

Yours sincerely,

Peter Spreadbury
Head of Police Pensions & Retirement Policy