

Police Authority

RE: INJURY AWARD – INSERT NAME

It has come to my notice that West Yorkshire Police have recently admitted that they incorrectly and unlawfully reduced police pensioners' injury awards by 'automatically reducing' the awards of those aged 65 years and over, in accordance with the Home Office Circular 46/2004. This has now been asserted by His Honour Judge Behrens in the High Court case of **CRUDACE** in which His Honour opined at Paragraph 32:

In my view the test proposed in the Guidance is not in accordance with regulation 37. The SMP is not entitled to conclude that "in the absence of cogent reason" the pensioner's uninjured earning capacity is reduced to zero when he attains the age of 65. Rather, if the Police Authority refers the matter to him for review when the pensioner attains the age of 65 he must carry out a proper review in accordance with regulation 37. Thus he must consider whether the degree of the pensioner's disablement has altered and if so whether the alteration is substantial.

The decision in this case has now also been reinforced in the case of **SIMPSON** in which His Honour SUPPERSTONE LJ declared the Home Office advice in Annex "C" to HOC 46/2004, so far as it relates to the reassessment of injury pensions at age 65, unlawful. In view of these recent decisions in The High Court and the admission by West Yorkshire Police it is therefore apparent that my injury pension was also unlawfully reduced by **Insert Name** Police Authority to the lowest band and as a consequence the decision of the

SMP on insert date, when he automatically reduced me to Band 1 because of my age was also contrary to the regulations and unlawful.

In view of that I request that **Insert Name** Police reinstate my injury award to its previous banding of Band insert band, from the date of its unlawful reduction on insert date.

I request that the monies owed to me be paid to me forthwith, with the addition of the appropriate interest.

If you do not intend to reinstate my injury pension to the previous banding please let me know your reasons for refusing to do so and provide me with the details of and information in relation to the Internal Dispute Resolution Procedure in relation to Pension disputes.

Yours sincerely