

SCHEDULE 1

ARRANGEMENT OF RULES

PART B

MEMBERSHIP

B.1 Eligibility: general

B.1

A person is eligible to be an active member of the Scheme if—

- (a) he is in service as a member of the armed forces other than—
 - (i) the Royal Irish Regiment (Part Time), or
 - (ii) in the case of a Nepalese person recruited in Nepal, the Brigade of Gurkhas, including service to which he is recalled under Part 7 of the Reserve Forces Act 1996 or under the Reserve Forces Act 1980(1),
- (b) either—
 - (i) that service begins on or after 6th April 2005, or
 - (ii) he has opted to join the Scheme under Part K (AFPS 1975 transferees), and
- (c) he is not prevented by rule B.2 (persons with other pension arrangements).

B.2 Persons with other pension arrangements

(1) A person is not eligible to be an active member of the Scheme in respect of his service if he belongs to the AFPS 1975 or any other occupational pension scheme in respect of that service.

(2) For the purposes of paragraph (1), a person is only taken to belong to another occupational pension scheme in respect of his service if the person who is the employer in relation to that scheme is making contributions to it in respect of that service.

B.3 Joining the Scheme on starting service

(1) A person who is eligible to be an active member of the Scheme because of service beginning on or after 6th April 2005 is treated as becoming such a member on the day when the service begins.

(2) Paragraph (1) does not apply if, before the end of the period of 3 months beginning with the day when the service begins or such longer period, if any, as the Secretary of State considers appropriate, the person opts not to belong to the Scheme.

(3) The option may only be exercised by notice in writing in such form as the Secretary of State requires.

(4) For the purposes of this rule, the option is treated as having been exercised on the date on which it is received by the Scheme administrator or the commanding officer responsible for general day to day administration connected with the service of the person exercising the option.

(5) If a person to whom paragraph (2) applies has paid any contributions under the Scheme, the contributions must be repaid to him.

(1) 1980 c. 9.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Paragraph (5) does not require the payment to the person of any additional amount which becomes payable by him in respect of national insurance contributions because he has not after all been a member of the Scheme during any period.

B.4 Joining the Scheme after service begins

(1) A person who is not an active member of the Scheme but is eligible to be one may opt to become such a member at any time before he attains pension age.

Paragraph (1) is subject to paragraphs (2) to (4).

(2) The option may only be exercised by the person giving notice in writing in such form as the Secretary of State requires.

(3) An option has no effect unless before that notice is given—

(a) the person exercising the option—

(i) makes a declaration about the state of his health in such form as the Secretary of State requires and,

(ii) if required, provides at his own expense such evidence relating to his health as the Secretary of State requests, and

(b) the Secretary of State, after consultation with the Scheme medical adviser, is satisfied that at the date on which the member makes the declaration the member is in good health.

(4) A person who has exercised the option under paragraph (1) may not exercise it again during the service by virtue of which he was eligible to exercise it.

(5) For the purposes of this rule, the option is treated as having been exercised on the date on which it is received by the Scheme administrator or, if it is sent to the commanding officer responsible for general day to day administration connected with the service of the person exercising the option, by or on behalf of that officer.

B.5 Leaving the Scheme

(1) A person who is an active member of the Scheme may opt to cease to be such a member.

(2) The option may only be exercised by notice in writing to the Scheme administrator in such form as the Secretary of State requires.

(3) A member who exercises the option ceases to be an active member at the beginning of—

(a) the first pay period beginning on or after the date on which the option is exercised, or

(b) if the Secretary of State considers that period inappropriate, such later pay period as he considers appropriate.