
STATUTORY INSTRUMENTS

2015 No. 568

The Armed Forces (Transitional Provisions) Pensions Regulations 2015

PART 4

Amendments to the Armed Forces Early Departure Payments Scheme 2005

Amendment of the Armed Forces Early Departure Payments Scheme 2005

14. The Armed Forces Early Departure Payments Scheme 2005⁽¹⁾ is amended according to the provisions in this Part.

Amendment of article 3 (general interpretation) of the EDP Order 2005

15. Article 3 (general interpretation) of the Armed Forces Early Departure Payments Scheme Order 2005⁽²⁾ (“the EDP Order 2005”) is amended by inserting at the appropriate places—

- (a) ““AFPS 2015” means the scheme established by the Armed Forces Pension Regulations 2014 (“the AFP Regulations 2014”);”,
- (b) ““EDP 2015” means the scheme established by the Armed Forces Early Departure Payments Scheme Regulations 2014;”,
- (c) ““transition date” in relation to a person with dual entitlement means 1st April 2015 or, if later, the day on which a person ceased to be a full protection member of the AFPS 2005;”, and
- (d) ““full protection member” has the meaning given in Part 2 of Schedule 2 to the Armed Forces Pension Scheme Order 2005⁽³⁾;”.

Insertion of new article 3A in the EDP Order 2005

16. The EDP Order 2005 is amended by, after article 3, inserting the following new article—

“Meaning of “a person with dual entitlement”

3A.—(1) For the purposes of the Scheme “a person with dual entitlement” means, subject to paragraph (2), a person who—

- (a) is a member of AFPS 2005 by virtue of their pensionable service under the AFPS 2005, or
- (b) was eligible to have been a member of AFPS 2005, and
- (c) is also a member of the AFPS 2015 by virtue of their pensionable service under the AFPS 2015, or

(1) The rules of this scheme are established in the Armed Forces Early Departure Payments Scheme Order 2005.

(2) [S.I. 2005/437](#) as amended.

(3) [S.I. 2005/438](#).

(d) was eligible to have been a member of the AFPS 2015 on or after 1st April 2015.

(2) A person is not a person with dual entitlement where the gap between the last day of service or eligibility at paragraph (1)(a) or (b) as the case requires and the first day of service or eligibility at paragraph (1)(c) or (d) as the case requires exceeds 5 years.”.

Amendment of article 4 (meaning of “relevant service”) of the EDP Order 2005

17. Article 4 of the EDP Order 2005 is amended by, after paragraph (3), inserting—

“(4) In the case of a person with dual entitlement, service on or after the transition date—

- (a) is relevant service for the purposes of article 6(1) and (5),
- (b) is relevant service for the purposes of article 8(4),
- (c) is relevant service for the purposes of article 10(4)(a) and (b),
- (d) is relevant service for the purposes of article 16(1)(b),
- (e) is not relevant service for the purposes of article 5(a).”.

Amendment of article 8 (eligibility for early departure payments) of the EDP Order 2005

18. Article 8(5) of the EDP Order 2005 is amended by—

- (a) omitting “or” at the end of sub-paragraph (a),
- (b) after paragraph (b) inserting—

- “(c) regulation 51 of the AFP Regulations 2014 (entitlement to ill-health pension: active member with permanent serious ill-health), or
- (d) regulation 52 of the AFP Regulations 2014 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment).”.

Amendment of article 10 (amount of payments under article 9) of the EDP Order 2005

19.—(1) Article 10 of the EDP Order 2005 is amended by—

- (a) in paragraph (2) substituting “T” for “N”,
- (b) in paragraph (4)—
 - (i) omitting “that the person is entitled to count for the purposes of Condition C in article 8(4), and”,
 - (ii) inserting after sub-paragraph (a)—
 - “(zb) T is either—
 - (i) the number of years’ relevant service, or
 - (ii) for a person with dual entitlement, the number of years’ relevant service before the transition date, and”,
- (c) in paragraph (5) inserting “or T, as appropriate,” after “N”,
- (d) inserting after paragraph (8)—
 - “(8A) In the case of a person with dual entitlement—
 - (a) service on or after the transition date is qualifying service for the purposes of regulation 10 of the EDP Regulations 2014,
 - (b) all payments made under this article and regulation 10 of the EDP 2015 are payable under the EDP Regulations 2014.”.

Amendment of article 12 (effect of rejoining armed forces or entering certain reserve forces service on article 9 award) of the EDP Order 2005

20. Article 12 of the EDP Order 2005 is amended by—

- (a) at the end of paragraph (4)(a) omitting “or”,
- (b) after paragraph (4)(b) inserting—
 - “(c) regulation 51 of the AFP Regulations 2014 (entitlement to ill-health pension: active member with permanent serious ill-health), or
 - (d) regulation 52 of the AFP Regulations 2014 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment).”.

Amendment of article 14 (entitlement to resettlement grants) of the EDP Order 2005

21. Article 14(1) of the EDP Order 2005 is amended by, after paragraph (d), inserting—

“and

- (e) is not entitled to a resettlement grant under regulation 16 of the EDP Regulations 2014.”.

Amendment of article 16 (lump sum awards: incapacity for armed forces service) of the EDP Order 2005

22. Article 16 of the EDP Order 2005 is amended by—

- (a) at the end of paragraph (1)(d)(iii) omitting “or”,
- (b) after paragraph (1)(d)(iv) inserting—
 - “(v) regulation 43 of the AFP Regulations 2014 (retirement on or after reaching normal pension age – active members),
 - (vi) regulation 51 of the AFP Regulations 2014 (entitlement to ill-health pension: active member with permanent serious ill-health),
 - (vii) regulation 52 of the AFP Regulations 2014 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment),
 - or
 - (viii) regulation 60 of the AFP Regulations 2014 (option for members in serious ill-health to exchange whole pension for lump sum).”.
- (c) inserting at the beginning of paragraph (3) “Subject to paragraph (4A),”.
- (d) inserting at the beginning of paragraph (4) “Subject to paragraph (4A),”.
- (e) after paragraph (4) inserting—
 - “(4A) In the case of a person with dual entitlement—
 - (a) paragraphs (3) and (4) do not apply,
 - (b) service on or after the transition date is only service for the purposes of regulation 20 of the EDP Regulations 2014,
 - (c) the amount of the lump sum calculated under paragraph (2)—
 - (i) is added to the amount of the lump sum calculated under regulation 20(1) of the EDP Regulations 2014 but ignoring regulation 20(1) sub-paragraphs (a) and (b), and
 - (ii) sub-paragraphs (a) and (b) of regulation 20(1) are then applied,

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- (d) all payments made under this article and regulation 20 of the EDP Regulations 2014 are payable under the EDP 2015.”.
- (f) after paragraph (5) inserting—
 - “(6) For a person with dual entitlement this article is subject to regulation 58 (member’s request for review of ill-health awards) of the AFP Regulations 2014.”.