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STATUTORY INSTRUMENTS

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**2015 No. 568**

**The Armed Forces (Transitional Provisions) Pensions Regulations 2015**

**PART 8**

**Amendments to the Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No.2) Order 2010**

**Amendment of the Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No.2) Order 2010**

**35.** The Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No.2) Order 2010(1) (“AF(RRGES) (No.2) Order”) is amended according to the provisions in this Part.

**Amendment of article 2 (interpretation) of the AF(RRGES) (No.2) Order**

**36.** Article 2 (interpretation) of the AF(RRGES)(No.2) Order is amended by inserting in the appropriate place—

- (a) ““AFPS 2015” means the scheme established by the Armed Forces Pension Regulations 2014(2);”;
- (b) “transition member” means a person—
  - “(a) who is a member of the AFPS 1975 by virtue of their pensionable service under the AFPS 1975 before 1st April 2015; and
  - (b) who is also a member of the AFPS 2015 by virtue of their pensionable service on and after 1st April 2015;”.

**Amendment of article 27 (interpretation of Part 4) of the AF(RRGES) (No.2) Order**

**37.** Article 27(2) of the AF(RRGES) (No.2) Order is amended by substituting—

““ill-health pension” means—

- (a) service invaliding retired pay or pension under the AFPS 1975,
- (b) an ill-health pension under regulation 51 of the Armed Forces Pension Regulations 2014, or
- (c) an ill-health pension under regulation 52 of the Armed Forces Pension Regulations 2014.”.

for—

““ill-health pension” means service invaliding retired pay or pension under the AFPS 1975;”.

**Amendment of article 30 (factors affecting the amount of commutable pension) of the AF(RRGES) (No.2) Order**

**38.** Article 30 of the AF(RRGES) (No.2) Order is amended by inserting—

- (a) after “a person” in sub-paragraph (1) “,not including a transition member,”,
- (b) after sub-paragraph (1)—

“(1A) Subject to article 32, the maximum lump sum which can be commuted by a transition member is calculated by application of the following formula—

$$(A - B) \times C \div D$$

where—

**A** in the case of an officer is the 34 year rate and in the case of someone who is not an officer is the 37 year rate;

**B** is the aggregate lump sum from reckonable and pensionable service in AFPS 1975 and AFPS 2015;

**C** is the number of years of AFPS 1975 service; and

**D** is the total number of years of reckonable and pensionable service in AFPS 1975 and AFPS 2015.”.

**Amendment of article 32 (misconduct) of the AF(RRGES) (No.2) Order**

**39.** Article 32 of the AF(RRGES) (No.2) Order is amended by—

- (a) numbering the existing text as paragraph (1),
- (b) after “the 37 year rate.” inserting—

“(2) For a transition member the figure denoted by **A** in article 30(1A) is replaced by the appropriate amount from paragraph (1).”.

**Amendment of article 35 (entitlement to resettlement grants) of the AF(RRGES) (No.2) Order**

**40.** Article 35 of the AF(RRGES) (No.2) Order is amended by—

- (a) substituting for the existing paragraph (1)—

“(1) A person who ceases to be in service as a member of the armed forces is entitled to a lump sum payment if the person—

- (a) was, immediately before ceasing service, an active member of the AFPS 1975 or has opted-out;
- (b) has the relevant years of service;
- (c) is not entitled to the immediate payment of a pension under the AFPS 1975;
- (d) is not entitled to the immediate payment of a pension under the AFPS 2015;
- (e) is not entitled to an early departure payment under regulations 8 and 9 of the EDP 2015; and
- (f) either—
  - (i) has not previously received a payment under the AFRGS 2010; or
  - (ii) has made a repayment in respect of a payment previously received in sub-paragraph (i).”

- (b) substituting in paragraph (2)—

““relevant years of service””

for—

““relevant years of reckonable service””.

(c) inserting after paragraph (5)—

“(6) Transition members are not entitled to a lump sum payment under regulation 16 of the EDP 2015.”.