

## SCHEDULE 1

### ARRANGEMENT OF RULES

## PART K

### AFPS 1975 TRANSFEREES

#### *Preliminary*

#### **K.1 Application of Part K: meaning of “AFPS 1975 transferee”**

- (1) This Part makes provision in relation to persons who—
  - (a) are active members of the AFPS 1975 immediately before 6th April 2005, and
  - (b) opt to become members of the Scheme on the basis set out in this Part.
- (2) In these Rules a member of the Scheme to whom this Part applies is referred to as an “AFPS 1975 transferee”.
- (3) If an AFPS 1975 transferee becomes a re-employed active member, this Part does not apply in relation to his service after he does so unless the break in service immediately before such re-employment does not exceed six months.

#### **K.2 Options for AFPS 1975 members to join the Scheme under Part K**

- (1) A person who—
  - (a) would be eligible to join the Scheme by virtue of his service if he met the condition in rule B.1(b)(i) (which requires that the person’s service begins on or after 6th April 2005), and
  - (b) immediately before that date was an active member of the AFPS 1975 by virtue of that service,may opt to join the Scheme under the terms of this Part, unless he has been re-employed in the service by virtue of which he is eligible to belong to the Scheme on or after reaching pension age.
- (2) The option may only be exercised by giving notice in writing to the Scheme administrator in such form as the Secretary of State requires on or before 31st March 2006 or such later date as the Secretary of State may determine is appropriate in the case of any particular member.
- (3) For this purpose the notice is treated as having been given on the date on which it is received by the Scheme administrator.
- (4) The option has effect on 6th April 2006 and is irrevocable unless paragraph (5) applies.
- (5) This paragraph applies if the Secretary of State gives notice in writing to the person stating that the person may revoke his option by giving notice in writing that he wishes to do so to the Secretary of State before the expiry of the period of 3 months beginning with the date on which the notice is given by the Secretary of State.
- (6) Where a person revokes his option in accordance with paragraph (5), these Rules apply as if he had never opted to join the Scheme.

*Status: This is the original version (as it was originally made).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

### *Transfer of Service from the AFPS 1975*

#### **K.3 Service credited from the AFPS 1975**

(1) On becoming an AFPS 1975 transferee, a member becomes entitled to count under the Scheme—

- (a) a period of qualifying service equal in length to the period of qualifying service which the member was entitled to count under the AFPS 1975 (but not exceeding 35 years), and
- (b) a period of reckonable service equal in length to the period of reckonable service which the member was entitled to count under the AFPS 1975 (but not exceeding 35 years).

This is subject to rules K.4 (treatment of added years: contributions paid before 6th April 2006) and K.5 (treatment of preserved awards).

(2) For the purposes of paragraph (1) the qualifying and reckonable service that the member was entitled to count under the AFPS 1975 is taken to include the qualifying and reckonable service that the member would be entitled to count under the AFPS 1975 if he were entitled to count—

- (a) any service before the age of 21 as an officer, and
- (b) any service before the age of 18 otherwise than as an officer.

#### **K.4 Treatment of added years: contributions paid before 6th April 2006**

**K.4.** For the purposes of rule K.3, the reckonable service of a member who—

- (a) has bought added years of pension credit under the AFPS 1975, or
- (b) is buying them under a contract which is in force on 5th April 2006,

is calculated as if he were leaving the AFPS 1975 on that date.

#### **K.5 Treatment of preserved awards**

(1) This rule applies where a member who is an AFPS 1975 transferee—

- (a) has been awarded a preserved pension and lump sum under the terms of the AFPS 1975 in respect of service which ended before the beginning of the service which is current on 5th April 2006, and
- (b) neither the pension nor the lump sum has been brought into payment by that date.

For this purpose, a pension is treated as being in payment if it would be apart from abatement under the AFPS 1975.

(2) Rule K.3 does not apply to the qualifying and reckonable service in respect of which the member was awarded the preserved pension, unless when the member exercises the option under rule K.2(1) (option to join the Scheme under the terms of this Part) he opts for it to do so.

(3) If the member has been awarded two or more preserved pensions in respect of which paragraph (1) applies, he may only exercise the option under paragraph (2) in respect of the latest award.

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

#### **K.6 Transfers in: transitional provision**

(1) This rule applies where—

- (a) a member applied in writing for the AFPS 1975 to accept a transfer value payment in respect of him,

- (b) the member is an AFPS 1975 transferee, and
  - (c) the transfer value payment is received on or after 6th April 2006.
- (2) Part F applies as if the member had applied under rule F.7 for the Scheme to accept the payment.

#### **K.7 Pension debit members**

- (1) This rule applies where—
- (a) on becoming a member of the Scheme an AFPS 1975 transferee is a pension debit member, and
  - (b) in the opinion of the Scheme administrator it is necessary for the purpose of giving effect to the pension sharing order to which the member's rights are subject for some or all of the benefits to which the pension member is entitled under the Scheme to be taken in a different form from that in which he would otherwise be entitled to take them.
- (2) The Scheme administrator may, after taking advice from the Scheme actuary, make such modifications to the member's rights as to the form of those benefits as he considers necessary for that purpose.

#### **K.8 Disapplication of rule E.6**

**K.8.** Rule E.6 (reduction in pensions under rules E.1 and E.2 in cases of wide age disparity) does not apply to a pension payable under rule E.1 in the case of a member who was an AFPS 1975 transferee if the member had been the spouse or civil partner of the person to whom the pension is payable continuously since before 6th April 2006 until the member's death.