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STATUTORY INSTRUMENTS

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**2006 No. 717**

**The Armed Forces Pension Scheme  
etc. (Amendment) Order 2006**

**Entitlement to ill-health pensions**

4.—(1) In rule D5(1) of the Scheme (early payment of benefits: active members with permanent serious ill-health) for sub-paragraph (a) substitute—

- “(a) in the opinion of the Secretary of State the member has suffered a permanent breakdown in health involving incapacity for any full-time employment,
- (aa) the Secretary of State has received evidence from a registered medical practitioner that the member is (and will continue to be) incapable of carrying on his occupation because of physical or mental impairment, and”.

(2) In rule D.6(1) of the Scheme (early payment of benefits: active members with significant impairment of capacity for gainful employment) for sub-paragraph (a) substitute—

- “(a) in the opinion of the Secretary of State the member has suffered a breakdown in health as a result of which his capacity for gainful employment is significantly impaired,
- (aa) the Secretary of State has received evidence from a registered medical practitioner that the member is (and will continue to be) incapable of carrying on his occupation because of physical or mental impairment, and”.

(3) In rule D.7(1) of the Scheme (early payment of benefits: deferred members with permanent serious ill-health) for sub-paragraph (a) substitute—

- “(a) in the opinion of the Secretary of State the member has suffered a permanent breakdown in health involving incapacity for any full-time employment (see rule D.5(2) and (3)),
- (aa) the Secretary of State has received evidence from a registered medical practitioner that the member is (and will continue to be) incapable of carrying on his occupation because of physical or mental impairment, and”.

(4) In rule D.8 of the Scheme (member’s requests for review of ill-health awards)

- (a) in paragraphs (5) and (7) in the words following sub-paragraph (b) after “then” insert “the member’s entitlement under rule D.6 ceases and”.
- (b) for paragraphs (9)(b) and (10)(b) substitute—
  - “(b) the conditions in rule D.6(1)(aa) and (b) are met,” and
- (c) in paragraph (9) in the words following sub-paragraph (b) for “as if the conditions mentioned in that rule were met at the time the member ceased to be in service by virtue of which he was eligible to be an active member of the Scheme” substitute “from the time when the ill-health condition (as defined in paragraph 1 of Schedule 28 to the Finance Act 2004) is first met”.
- (d) in paragraph (10) in the words following sub-paragraph (b) for “as from the date on which the review was requested” substitute “from the date when the ill-health condition (as defined in paragraph 1 of Schedule 28 to the Finance Act 2004) is first met”.