
STATUTORY INSTRUMENTS

2023 No. 998

**The Armed Forces Pensions
(Remediable Service) Regulations 2023**

Part 9

**AMENDMENT OF 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**

36. The Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No. 2) Order 2010(1) (“the RRGES Order”) is amended as follows.

Article 2: Interpretation

37.—(1) Article 2 (interpretation) of the RRGES Order is amended in accordance with this regulation.

(2) In the definition of “the AFPS 1975”, for “Schedule 1” substitute “Schedules 1,3 and 4”.

(3) In the definition of “transition member” for “1st April 2015” in both places it appears, substitute “the member’s transition date”.

(4) insert in the appropriate places in the alphabetical order the following—

““PSPJOA” means the Public Service Pensions and Judicial Offices Act 2022;

“remediable service” has the meaning given in section 1 of PSPJOA 2022, and refers to service in an employment or office that is pensionable service under the AFPS 1975, whether or not by virtue of section 2(1) of PSPJOA 2022;

“remedy member” means a member with remediable service in the AFPS 1975;

“transition date” in relation to a transition member means—

(a) where the member has remediable service in a Scheme within the meaning of section 1 of PSPJOA 2022, 1st April 2022;

(b) in any other case, 1st April 2015;”.

Part 4: The Armed Forces Resettlement Commutation Scheme 2010

38.—(1) Part 4 of the RRGES Order (the Armed Forces Resettlement Commutation Scheme) is amended in accordance with this regulation.

(2) In article 28 (application)—

(a) article 28 stands as paragraph (1);

- (b) after paragraph (1) insert—
 - “(2) This Part is subject to article 30A (remediable service).”.
- (3) In article 29 (resettlement commutation), in paragraph (3) omit “Subject to paragraph (4)”.
- (4) After article 30 (factors affecting the amount of commutable pension), insert—

“Remediable Service

30A.—(1) This article applies where a remedy member (“M”) has commuted part of their pension under this Part before 1st October 2023.

(2) Where M makes a section 6 election within the meaning of paragraph 8(1)(a) or a section 10 election within the meaning of paragraph 12(1)(a) of Schedule 4 (remediable service) to the AFPS 1975—

- (a) M is treated for the purposes of the AFRCS 2010 as a transition member with a transition date of 1st April 2015;
- (b) in article 30(1A), for the purposes of calculating—
 - (i) “C”, AFPS 1975 service does not include the period of remediable service in the AFPS 1975 in respect of which the decision was made;
 - (ii) “D”—
 - (aa) reckonable service in the AFPS 1975 does not include the period of remediable service in the AFPS 1975 in respect of which the decision was made, and
 - (bb) pensionable service in the AFPS 2015 includes the period of remediable service in the AFPS 1975 in respect of which the decision was made.”.