

**Army Code 13045**

# **THE ARMY PENSIONS WARRANT 1977**

(supersedes The Army Pensions Warrant 1960  
(WO Code No. 13045))

*Being the Royal Warrant and  
Schedule governing the  
Non effective Pay of the Army  
(Service Retired Pay, Pensions  
Gratuities etc)*

**Revised Edition 2009  
Incorporating Amendment 40 Change 4**

**MINISTRY OF DEFENCE  
DCDS Pers Pensions Compensation Veterans  
AFP5 75 Policy**

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# Royal Warrant

## The Army Pensions Warrant 1977

ELIZABETH R

WHEREAS We deem it expedient to consolidate and amend the provisions concerning the non effective pay of Our Army contained in Our Warrant of 23rd December 1960<sup>1</sup> and in such other Warrants granted since that date as are still in force;

OUR WILL AND PLEASURE is that the Schedule attached to this Our Warrant, together with any additions and amendments that We may hereafter decide shall, except in cases covered by the Warrant of Her late Majesty Queen Victoria of 27th October 1884, be established and obeyed as the sole authority on the matters herein treated; and that Our Defence Council shall be the sole administrators and interpreters of the Schedule attached to this Our Warrant and shall be empowered to issue such detailed instructions in reference thereto as they may from time to time deem necessary; and that any function of the Defence Council under this Our Warrant may (subject to any direction of the Defence Council) be discharged by the Army Board or person or persons authorized by the Board, and accordingly each reference in this Our Warrant to the Defence Council shall include a reference to the Army Board and to those persons.

OUR FURTHER WILL AND PLEASURE is that except as hereinafter may be specially provided, an officer of the rank of Major General or above serving on 1st January 1975 and an officer of the rank of Brigadier and below or a soldier serving on 1st April 1975, or his family on his death shall no longer be eligible to receive in place of an award under this Warrant, and award of gratuity, retired pay, pension or family pension under regulations in force before these dates.

OUR FURTHER WILL AND PLEASURE is that the Schedule to this Our Warrant unless otherwise stated shall have effect from 1st April 1975 and apply to officers, soldiers and women who give full pay service on the Active List on or after 31st March 1975.

OUR FURTHER WILL AND PLEASURE is that this Our Warrant may be cited as the Army Pensions Warrant 1977.

Given at Our Court at St James's, this 17th day of  
June 1977 in the 26th year of Our Reign.  
By Her Majesty's Command

FREDERICK W. MULLEY

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<sup>1</sup> The Army Pensions Warrant 1960.



AMENDMENT

Amendments Number	By whom amended	Date of Insertion	Amendments Number	By whom amended	Date of Insertion
28 revised edition					
29					
30					
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40 Change 3					
40 Change 4 See					
Instruction sheet for					
Removal/Insertion overleaf					

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## **The Army Pension Warrant 1977**

### **Amendment 40 Change 4**

#### **Instruction Sheet for removal and insertion**

**Remove Amendment record sheet, Replace new cover sheet**

<b>Remove pages</b>	<b>No of leaves</b>	<b>Insert pages</b>	<b>No. of leaves</b>
<b>Front page</b>	<b>1</b>	<b>Front page</b>	<b>1</b>
<b>iii to vii(rb)</b>	<b>3</b>	<b>iii to vii(rb)</b>	<b>3</b>
<b>1-7 to 1-10</b>	<b>2</b>	<b>1-7 to 1-11(rb)</b>	<b>3</b>
<b>1A-1 to 1A-2</b>	<b>1</b>	<b>1A-1 to 1A-2</b>	<b>1</b>
<b>2-19 to 2-20</b>	<b>1</b>	<b>2-19 to 2-20</b>	<b>1</b>
<b>3-15 to 3-16</b>	<b>1</b>	<b>3-15 to 3-16</b>	<b>1</b>
<b>13-1 to 13-2</b>	<b>1</b>	<b>13-1 to 13-2</b>	<b>1</b>
<b>15-1 to 15-4</b>	<b>2</b>	<b>15-1 to 15-4</b>	<b>3</b>

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# Part 1

## General Provisions

### Revision of terms

1. Except where otherwise provided, no officer, soldier, or other person, shall be entitled to claim any retired pay, pension, or other advantage conferred by any provision of this Warrant, in the event of such provision being at any time added to, varied or cancelled.

### Limit on salary

- 1A. For those personnel who may be eligible for an award under the terms of this Warrant and who become members of the Pension Scheme on or after 1st June 1989, no account will be taken when determining pensionable pay, of any amount which exceeds £105,600 per annum or such higher figure as may be determined in accordance with section 590C of the Income and Corporation Taxes Act 1988.

### Time barred claims

2. Except in such exceptional circumstances as may be approved by the Defence Council, no claim shall be admitted for any pecuniary advantage granted by this Warrant relating to any period more than 12 months antecedent to the date of claim.

### Deductions

3.
  - a. Compulsory deductions. Retired pay, pension and all other emoluments granted by this Warrant to an officer, soldier, or other person shall, subject to any restrictions imposed by section 91 of the Pensions Act 1995 as modified by regulations made under section 94(1), be held liable to deductions on the order of the Defence Council to meet any public or service claim, including any claim by the Territorial Army and Auxiliary Forces Association or by the Naval, Army or Air Force Institutes, that there may be against him or her, or any claim by a Naval, Army or Air Force mess or institution, that the Defence Council may direct him or her to pay.
  - b. Voluntary deductions. Subject to any instructions issued by the Defence Council, if an officer or soldier shall in writing request any sum or sums to be deducted from his or her gratuity, pension or terminal grant, such a sum or sums may be so deducted and may be applied in accordance with the terms of the request.

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**Forfeiture, suspension and restoration of retired pay and pension**

4. Where retired pay or pension has been suspended or withheld wholly or in part, the Defence Council may authorise payment to or for the benefit of the spouse, civil partner, eligible partner or other dependants of the officer or soldier in exceptional cases.
- 4A. Where retired pay or pension has been forfeited or suspended under the provisions of Article 4, a compassionate allowance may be made by the Defence Council to, or for the benefit of the spouse, civil partner, eligible partner or other dependants of the officer or soldier. The amount of this allowance may not exceed the amount of the surviving spouse's, surviving civil partner's or surviving eligible partner's pension which could have been awarded to the officer or soldier if he had died on the date that his retired pay or pension was forfeited or suspended. Any such allowance awarded may subsequently be withdrawn in any circumstances which lead the Defence Council to decide that an allowance should no longer be paid.
5. An officer who leaves the Active List must not, so long as he continues to hold a commission or to draw retired pay, enter the service of any government outside the United Kingdom, any organization, without the consent of the Army Board of the Defence Council. If an officer fails to obtain such consent, or continues to hold such employment after the consent is withdrawn, he shall be liable to have his retired pay suspended or withheld as the Defence Council may decide.
6. The Defence Council may restore the whole or part of forfeited retired pay or pension, if they consider this to be merited. Where any part of retired pay or pension is restored it will be paid inclusive of all pension increases made since the date of the original entitlement including those awarded during the period of forfeiture.
7. If any pensioner is or becomes of unsound mind the Defence Council may direct that his pension, or such part of it as appears necessary for his care and maintenance, be paid to the spouse, civil partner, eligible partner, son, daughter or any other person in whose care he may be or who may be responsible for the cost of his care and maintenance. The receipt of the person or persons to whom the whole or part of the pension is so paid shall be sufficient voucher and discharge for so much money as is stated thereon to have paid.
8.
  - a. On admission to the Royal Hospital, Chelsea, as an in-pensioner, a man shall cease to draw pension or retired pay except:
    - (1) any addition to pension in respect of service as a barrack warden, and
    - (2) any pension for distinguished conduct.
  - b. When an in-pensioner leaves the hospital, his pension or retired pay may be restored at the discretion of the Defence Council.

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9. Where a pensioner fails to draw his pension for a year or longer, the pension shall be suspended and shall not be resumed unless he satisfactorily explains his omission. The Defence Council may at their discretion withhold the whole or part of the arrears.

**National Insurance retirement benefit-abatement from service retired pay or service pension**

10. a. An officer or soldier in receipt of service retired pay or pension shall, on reaching State pension age have his service retired pay or pension abated by the amount of the graduated retirement benefit, if it exceeds £0.10 a week, for which he is eligible under the National Insurance Act 1965 for would be so eligible if he had retired from regular employment), in respect of graduated contributions paid or treated by virtue of section 58 of the National Insurance Act 1965, as having been paid by him during any period of his service reckonable for retired pay or pension when not contracted out of the Graduated Pension Scheme. The rate of abatement for awards at annual rates shall be £1.30 a year for each £0.025 a week of graduated retirement benefit in respect of which abatement is applied.
- b. In addition, except as provided in Articles 12 and 14, an officer commissioned or recommissioned, or a soldier enlisting or re-enlisting into the Army after 30 June 1949, shall, when he reaches State pension age have his service retired pay or service pension abated at the rate of £0.01667 a week (or £0.8708 a year for awards at annual rates) for each complete year of reckonable service prior to April 1980.
- c. An officer who transfers from either a short service or short career commission to pensionable terms, shall when he reaches State pension age have his service retired pay abated by any notional guaranteed minimum pension in respect of his contracted-in service whilst a short service or a short career officer before 6 April 1997.
11. For the purpose of Article 10b:
- a. a short service officer who, before 1st July 1949, completed the period of service on the Active List which he had undertaken but who, after that date, rejoined the Active List during the reserve service which formed part of his commission;
- b. a soldier who rejoined after 30th June 1949 but whose colour service was broken only by service on the reserve portion of a regular engagement.
- c. an officer or soldier commissioned or re-enlisted after 30th June 1949 but who gave continuous full pay service from before that date; shall be exempt from the provisions of the article.
12. A retired officer or pensioned soldier who is exempt from the provisions of Article 10b shall continue to be so exempt notwithstanding that he may give further service reckoning for a revised or re-assessed award.

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13. Reserved.

14. Abatement under Article 10b shall not be made from any service retired pay or service pension paid to a person permanently residing outside the United Kingdom if that person is not in receipt of a flat rate retirement pension under the National Insurance Act 1965 (whether paid to him abroad or to a bank account or nominee in the United Kingdom) or of a corresponding award payable under reciprocal arrangements.

**Officers employed as Principal Retired Officers, Retired Officers Grade I, II, III, Army Career Officers and those employed by the Army Sports Control Board abatement of retired pay**

15.<sup>2</sup> An Officer in receipt of retired pay who is employed by the Ministry of Defence or by the Cabinet Office as a Principal Retired Officer or Retired Officer Grade I, II, or III, or as an Army Careers Officer, or by the Royal Navy and Royal Marines Sports Control Board, the Army Sports Control Board or the Royal Air Forces Sports Control Board on rates of pay in line with those paid to the Retired Officer Grades in the Ministry of Defence, shall have his service retired pay abated in accordance with this Article, and subject to such instructions as may be published from time to time by the Defence Council.

a. Except as provided for in sub para d. below, retired pay is to be reduced so that the total remuneration by way of service retired pay and salary received on the day of taking up a Retired Officer appointment does not exceed the annual rate of basic military salary in issue on the last day of service in the Army. The abatement will be calculated as follows:

$$A = B + C - D$$

where

A is the amount of the abatement.

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<sup>2</sup> **Defence Council's Instruction**

1. The abatement will normally be calculated by applying the appropriate percentage in the scale in Article 15A below to the rate of retired pay, including pensions increase, in issue at the time of appointment as a retired officer or Army careers officer or from 1st January 1975 for those already holding such appointments, whichever is later. Where, however, an officer, has commuted a part of his retired pay, the abatement will be applied to the rate of retired pay plus pensions increase which would be in payment had he not commuted. For officers in receipt of service invaliding or service attributable retired pay the percentage will be applied to the retired pay he would otherwise have received for his length of reckonable service.

2. The abatement will continue for the period of employment as a retired officer or Army careers officer. Whenever an officer is appointed to a higher or lower grade appointment the rate of abatement will be recalculated as if he were entering service as a retired officer or Army careers officer on the date of regrading.

3. Pensions increase measures effective after the date of appointment as a retired officer and any already introduced but not payable at the time of the appointment will be applied, when payable, to the abated retired pay.

4. On cessation of employment, retired pay will be restored and pensions increase adjusted to give the level of payment which would have been due but for the abatement.

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- B is the service retired pay base rate on the date of appointment to the Retired Officer Grade inclusive of any sum commuted and Pensions Increase if payable assessed as if commutation had not taken place.
- C is the Retired Officer Grade salary plus London Weighting (if any) on date of appointment to the Retired Officer Grade.
- D is the basic military salary in issue on the last day of service dynamised where necessary by Pensions Increase factors with operative dates, up to, on, or subsequent to, the date of retirement and up to the date of taking up the appointment in the Retired Officer Grade.

Where the formula produces a negative result, there will be a nil abatement.

- b. Subject to sub para d., once the abatement has been determined it is not subject to recalculation for the duration of the appointment unless there is a change in conditioned hours between full and part-time working, or of part-time hours worked. Where any such changes occur, or where there is a change of grade, or re-appointment under a new contract, the abatement is re-assessed under the formula in sub para a. above and on the basis of the new circumstances.
- c. An officer who took up his current Retired Officer Grade appointment before 1st October 1986 is eligible to opt either:
  - (1) to continue to receive retired pay abated in accordance with the following table, or
  - (2) for re-assessment of his abatement with effect from 1st October 1986 under the formula in sub para a. above.

#### Cessation of abatement

- d. Abatement of retired pay will cease to apply from the date of a Retired Officer's 55th birthday or with effect from 21st December 1989 where a Retired Officer reached the age of 55 before that date.

#### 15A. Scale of Abatement

Service rank	Retired officer grade (and, correspondingly, Army rank careers officer)			
	Principal	ROI	ROII	ROIII
Brigadier	2 per cent for each complete year over 28 years service	Nil	Nil	Nil
Colonel	2 per cent for each complete year over 24 years service	2 per cent for each complete year over 32 years service	Nil	Nil

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Lt Colonel	4 per cent plus 1½ per cent for each complete year over 16 years service up to 31 per cent	2 per cent for each complete year over 25 years service	Nil	Nil
Major	67 per cent	25 per cent plus 1 per cent for each complete year over 16 years service up to 43 per cent max.	1 per cent for each complete year over 24 years service	Nil
Captain	100 per cent	77 per cent	10 per cent plus 1½ per cent for each complete year over 16 years service up to 37 per cent max.	½ per cent for each complete year over 28 years service

*Note.* Service rank shall be the rank (substantive or acting) held on the last day of service. The length of service shall be the reckonable service for retired pay as defined in Article 33 up to a maximum of 34 years.

**Officers and soldiers re-employed in public service**

**15B.** The Retired Pay of an officer, or pension of a soldier who is re-employed in FTRS service may be subject to abatement. Abatement will apply where an individual is re-employed in an FTRS appointment and where the appointment was made under closed competition terms. The abatement will continue throughout the period of FTRS. In this article closed competition means that the appointment is only made available to members and former-members of the Armed Forces, including reservists. Retired pay or pension is to be reduced so that the total remuneration by way of service retired pay or pension and salary received on the day of taking up the FTRS appointment does not exceed the uprated annual rate of basic military salary in issue on the last day of regular service. The abatement will be calculated as follows:

$$A = B + C - D$$

where

- A is the amount of the abatement.
- B is the service retired pay or pension on the date of the public service appointment inclusive of any sum commuted and pensions increases assessed as if commutation had not taken place.
- C is the salary of the public service appointment on date of appointment.
- D is the basic military salary in issue on the last day of service dynamised where necessary by pensions increase factors with operative dates, up to, on, or subsequent to, the date of retirement and up to the date of taking up the public service appointment.



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Where the formula produces a negative result, there will be a nil abatement.

Once the abatement has been determined it is not subject to recalculation for the duration of the appointment unless there is a change in conditioned hours or where there is a change of rank or grade, or re-appointment under a new contract.

Any retired pay or pension that has been subject to abatement will be reinstated on completion of a period of FTRS.

#### **Payment of retired pay and pensions**

**16.** Retired Pay and Service Pensions shall be paid by the Paying Agent as shown below:

- a. Payment of Pensions shall be made monthly in arrears on dates to be notified to the entitled person by Paying Agent. Payment can be made either:
  - (1) Direct to the pensioner's Bank account, National Giro account or Building Society account, or
  - (2) To the pensioner's home address by payment voucher.
- b. Exceptionally, where payment monthly in arrears would result in hardship, the Paying Agent can make arrangements for the pension to be paid weekly by either of the above methods.
- c. Payment for each month shall be one-twelfth of the annual rate due, rounded up or down to the nearest penny.
- d. Payment for any period of less than one month shall be calculated proportionately according to the number of days in a full month ending on the date of payment.

**16A.** No person may be paid a pension (including half pay or retired pay) unless a declaration has been made and signed by the person entitled to receive payment. A declaration will be required at the time payment begins and thereafter at such intervals as the Secretary of State may determine.

**17.** An officer who is eligible for an award of service pension under Article 42 may be granted retired pay equal to the amount of service pension for which he is eligible.

#### **Roundings**

**18.** The annual rate of retired pay or the annual or weekly rate of pension shall be assessed to the nearest penny, fractions of less than a half penny being rounded down and fractions of a half penny being rounded up. Where payment of retired pay at monthly intervals results in a fraction of a penny, each payment shall be similarly rounded to the nearest penny.

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### Definitions

**18A.** Any Reference to the 'Veterans Agency' used in this Warrant means that part of the Ministry of Defence which discharges the functions of the Secretary of State for Defence concerning war pensions under the 'Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 1983' as amended.

**18B.** The term "pension benefit age" when used in Parts 1, 3, 8, 12 and 14 shall, unless a contrary intention appears, mean:

- a. in respect of pension benefits accrued by reference to service before 6 April 2006, the age of 60;
- b. in respect of pension benefits accrued by reference to service on or after 6 April 2006, the age of 65.

**19.** The following expressions, when used in this Warrant, shall, unless a contrary intention appears, be held to have the meanings stated below:

- a. *Regular officer* shall mean an officer appointed to a permanent commission in the Regular Army.
- b. *Special regular officer* shall mean an officer appointed to a commission for a fixed period of service leading to retirement with retired pay under Section 2 of this Warrant.
- c. *Short service officer* shall mean an officer, other than a special regular officer, appointed to a commission for a fixed period of service.
- d. *Substantive rank* shall exclude brevet, honorary, local, acting, or war substantive rank.
- e. *Officers on the Active List* shall mean officers of the Regular Forces, whether on full pay, or otherwise, before their retirement, and shall not include officers who have retired and are subsequently recalled to service or re-employed.
- f. *Retirement* refers to the case of an officer who has left the Active List and who either has a reserve liability or is in receipt of Service Retired Pay.
- g. *Resignation* refers to the case of an officer who has resigned his commission or who has called upon to do so. Such an officer is under no obligation to serve in the Regular Army Reserve of Officers.
- h. *Public claim* shall mean any public debt or disallowance, including any over issue or advance of pay, retired pay, pension or other emoluments made through an error as to the facts; or the sum required to make good any loss, deficiency or irregular expenditure of public money, any deficiency, loss, damage or destruction of public stores, buildings or other public property of which, after due investigation,

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no explanation satisfactory to the Defence Council is given by the person who is responsible for the same.

- i. *Service claim* shall mean any Service debt or the sum required to make good any loss, deficiency or irregular expenditure of Service money of which after due investigation no explanation satisfactory to the Defence Council is given by the person who is responsible for the same.
- j. *Staff sergeant* shall include warrant officer, Class III, squadron quartermaster corporal (Household Cavalry), squadron, battery or company quartermaster sergeant, colour sergeant and staff corporal (Household Cavalry).
- k. *Relinquishment* refers to the case of an officer who has left the Active List on completion of a set period of service and is under no obligations to serve in the Regular Army Reserve of Officers. He does not retain his commission and is not in receipt of retired pay.

**19A.** Throughout this Warrant, where not repugnant to the context, or where not otherwise specifically provided therein, the word 'man' or any other word importing a reference to persons of the male sex only shall have effect as if for such words there had been substituted words having a like meaning in other respects but importing a reference to persons of either sex, and references to ranks held by men shall have effect as if they included references to identical or equivalent ranks held by women.

**Payment of charges and deduction of tax**

**Payment on behalf of members of lifetime allowance charge**

- 19AA.** a. A member may request the person who is the scheme administrator for the purposes of section 217 of the Finance Act 2004 ("the administrator") to pay on his behalf any amount that is payable by way of the lifetime allowance charge under section 214 of that Act when—
- (1) an event that is a benefit crystallisation event listed in the table in section 216(1) of that Act occurs in relation to him, and
  - (2) the member and the administrator are jointly and severally liable for the charge in respect of the event.
- b. Such a request may only be made by notice in writing given before the event occurs.
- c. The administrator may only comply with such a request if the member pays him the amount in question on or before the date on which the event occurs.

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**Reduction of benefits and transfer values where lifetime allowance charge payable**

**19AB.** a. This Article applies if—

- (1) an event that is a benefit crystallisation event listed in the table in section 216(1) of the Finance Act 2004 (“the table”) occurs in relation to a member,
- (2) the member and the person who is the scheme administrator for the purposes of section 217 of that Act (“the administrator”) are jointly and severally liable for the charge in respect of the event, and
- (3) no request has been duly made under article 19AA in relation to the event or, if such a request has been made, the administrator is prevented from complying with it by article 19AA(c) above.

b. Where this Article applies—

- (1) the administrator must pay the tax payable on the event,
- (2) if the event is benefit crystallisation event 8 in the table (transfer to qualifying recognised overseas pension scheme), the amount or value of the sums or assets transferred must be reduced, and
- (3) in the case of any other event, the amount or value of the benefits payable to or in respect of the member must be reduced.

c. The amount or value of the reduction must be such that, in the opinion of the Scheme actuary, it fully reflects the amount of the tax so paid.

**Deduction of special lump sum death benefits charge**

**19AC.** Before a payment is made that is a pension protection lump sum death benefit for the purposes of Part 4 of the Finance Act 2004 (see paragraph 14 of Schedule 29 to that Act), the person who is the scheme administrator for the purposes of section 217 of that Act may deduct from it any tax due in respect of the payment under section 206 of that Act (the special lump sum death benefits charge).

**Internal Dispute Resolution Procedures**

**19B.** a. Complaints against decisions made by the administrators of the Armed Forces Pension Scheme may be made under the scheme’s Internal Dispute Resolution Procedures. Those eligible to complain under these procedures are:

- (1) serving members of the Armed Forces Pension Scheme;
- (2) members of the scheme who have left the Service;
- (3) dependants of deceased members of the scheme;

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- (4) potential members of the scheme;
  - (5) pension credit members;
  - (6) anyone claiming to be in any of the above categories.
- b. The details of the Internal Dispute Resolution Procedures are contained in the TriScheme IDRPs Booklet on Internal Dispute Resolution Procedures<sup>(a)</sup>.

**19C.** There are two stages to the Internal Disputes Resolution Procedures. Under the first stage, members of the scheme have the right to complain about a decision made by the scheme administrators. Complaints under this stage will be considered by Head of Pensions, AFPAA (Glasgow), MOD.

**19D.** Under the second stage, members of the scheme have the right to appeal to the scheme managers against the decision made on their complaint under the first stage. Decisions on complaints under the second stage will be made by representatives of the Defence Council. These will normally comprise a panel consisting of the Director General of Service Personnel Policy and the Deputy Adjutant General.

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<sup>a</sup> Copies may be obtained from the Defence Intranet, the SPVA (Glasgow) and SPPol (PCV), Ministry of Defence, Main Building, Whitehall, SW1A 2HB.



## Part 1A

# Closure of Pension Arrangements and Application to Service on or After 6th April 2005

- 19E.** Subject to Article **19H**, the pension arrangements set out in this Warrant apply to officers and soldiers whose service ends before 6th April 2005 and who did not opt out of the arrangements, or who are in service on 6th April 2005 and who have not opted out of the arrangements (whether to transfer to the arrangements set out in the Armed Forces Pension Scheme established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004 or otherwise).
- 19F.** The pension arrangements set out in this Warrant are closed to—
- a. officers and soldiers whose service in the Army begins on or after 6th April 2005, or, subject to Article **19G**, whose service given as a result of re-enlisting begins on or after 6th April 2005;
  - b. officers and soldiers who have previously opted out of the scheme, or who opt out of the scheme on or after 6th April 2005 (whether to transfer to the arrangements set out in the Armed Forces Pension Scheme established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004 or otherwise).

### Closure of Pension Arrangements and Application to Service on or after 6 April 2005

- 19G.** Article 19F(a) does not apply to an officer or soldier who is—
- a. recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996 and such service will be dealt with in accordance with Article 410(c);
  - b. re-employed on or after 6 April 2005 where the break in service is less than 1 month and such service will be dealt with in accordance with Part 13.
- 19H.** Article **19F** does not apply to an officer or soldier who is recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996 after 6th April 2005 and who dies during that service, and Article **266K** will apply to that officer or soldier regardless of the application of these arrangements to him or his membership of the Armed Forces Pension Scheme (established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004).
- 19I.** The general rules set out in Articles **19E** and **19F** on the application of the pension arrangements in this Warrant do not apply to:

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- Part 2** - Articles **46** to **47C** (Service Attributable Retired pay)
  - Articles **77** to **79** (Officers attributable gratuities)
  - Articles **67** to **70** (Officers resettlement grants)
- Part 3** - Articles **149** to **151B** (Service Attributable Pensions)
  - Articles **167A** to **167C** (Soldiers resettlement grants)
  - Articles **175** to **176B** (Soldiers attributable gratuity)
- Part 4** - Article **233b.** (Short-term family pension)
  - **Section 15D** (Attributable Long-term family pension and gratuities for eligible survivors of those who gave Service after 31st March 1973)
  - **Section 15E** (Attributable Long-term family pension and gratuities for the eligible survivors of individuals who are recalled for service)
  - **Section 17** (Attributable benefits for ex-Regulars recalled for a period of permanent service)
- Appendix V** - (Compensation for criminal injuries sustained overseas).



## Part 2

# Officers

### Section 1—Calculation of Service Retired Pay and Preserved Pensions for Senior Army Officers

#### Application

- 20.** This section applies to Regular Army Officers of the rank of Major General and above, other than officers of the Royal Army Medical Corps and the Royal Army Dental Corps, whose last day of service is on or after 31 March 2005.
- 21.** Subject to the provisions of Article **22** below, the provisions of this section override the provisions of Articles **36, 37, 50, 53** and **54** of **Section 2**. In all other respects the provisions of **Parts 2, 4, and 10 to 13** of this Warrant will continue to apply to officers to whom this section applies.
- 22.** The provisions of this section will not apply to any senior officer who, before 31 December 1998, elects to remain subject to the provisions of Articles **36, 37, 50, 53** and **54** of **Section 2**.

#### Calculation of Service Retired Pay and Preserved Pensions

- 23.** Any award of Service retired pay or preserved pension made under Articles **50, 53** and **54** of **Section 2** shall be assessed at the percentage rates shown in **Appendix VIII, TABLE 3**, applied to pensionable earnings for each year or part year of reckonable service, calculated pro rata, to the nearest day, subject to a maximum rate of retired pay of not more than 50% of pensionable pay. Where an officer is invalided [attributably or non-attributably] and the appropriate invaliding pension code is lower, then the normal rate of retired pay shall apply.
- 24.** Pensionable earnings shall be defined as the total amount of basic pay received during the year ending on the day prior to retirement or the amount of basic pay received during any 12 month period within 3 years prior to retirement, whichever was the higher. In either case the total amount of basic pay will be adjusted in proportion to any pension increases authorised by order from the last day of the financial year in which pay was received up to the last day of pensionable service.”
- 25.** Reserved.
- 26.** Reserved.

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## **Section 2—Service Retired Pay, Preserved Pensions, Terminal Grants and Gratuities Regular Army Officers**

27. This section relates to United Kingdom based regular officers and special regular officers and short service commissioned officers appointed, or electing to serve, on pensionable terms. Exceptionally the terms of Articles **45A** to **45B**, **46A** to **46B**, **47** to **47C** and **48** also apply to short service commissioned officers appointed for service on full pay other than on pensionable terms. It does not apply to the part-time element of the Royal Irish Regiment.
28. An officer who is retired in the circumstances described in Articles **39** to **49**, and provided that he satisfies the requirements specified therein in regard to length of qualifying or reckonable service shall be defined as in Articles **29** to **33** and rank shall be defined as in Articles **36** and **38**.

### **Qualifying service for Service retired pay and gratuities**

29. Subject to the conditions set out, the following periods may be included in assessing qualifying service for the purposes of this section.
- a. Full pay commissioned service, including mobilized or embodied service, as an officer of the Royal Navy, Royal Marines, Army or Royal Air Force, and service on a probationary commission whilst a university cadet.
  - b. Periods on full pay as an officer for the purposes of training, while a member of the Auxiliary and Reserve Forces, except periods each of less than 6 months duration.
  - c. While a regular officer, periods in appointments not remunerated from Army funds in respect of which the conditions of Article 32 are satisfied.
  - d. Periods on the half pay list to the extent to which they would have been reckonable as service for retired pay or gratuity under the regulations in force on 18th December 1945.
  - e. Service as acting sublieutenant, midshipman or cadet, Royal Navy, to the extent to which the service would reckon for retired pay under Navy Regulations.
  - f. Service below commissioned rank which would be admissible as service for a soldier's pension under Article 138 including service admissible under the Gurkha Pension Scheme, provided such service is insufficient for immediate pension under that scheme.
  - g. Full pay service after 20th April 1977 as a member of the permanent cadre of the former Ulster Defence Regiment (see Article 52A for the conditions under which prior service as a member of the permanent cadre of the Ulster Defence Regiment may be reckoned in the case of

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personnel who were serving in the permanent cadre on 21st April 1977).

- 30.** For a female officer there may be included also:
- a. Full pay commissioned service in the Auxiliary Territorial Service, Queen Alexandra's Imperial Military Nursing Service or its reserve, Territorial Army Nursing Service or its reserve, Women's Royal Naval Service, Women's Auxiliary Air Force Women's Royal Air Force, Queen Alexandra's Royal Naval Nursing Service, Princess Mary's Royal Air Force Nursing Service.
  - b. Periods of employment with the Army as a member of a Voluntary Aid Detachment.
  - c. See: **Article 33D** for the rules on maternity leave for officers.
  - d. Reserved.
- 31.** Except where an officer in receipt of retired pay is re-employed, or where an officer re-enters on or after 1 April 1985, having served previously on or after 31 March 1975 on a pensionable commission, service preceding a five year interval in service will not be included as reckonable service unless specially allowed in exceptional circumstances. Eligibility to reckon such previous service shall normally be determined at the time service is resumed. Where during a break in service the officer has been a member of the Regular Reserve, the Territorial Army, the Territorial and Army Volunteer Reserve or any other reserve of any of the forces normally undertaking or liable for periodical training, the period of such membership shall not be considered an interval in service for the purpose of deciding whether the previous service is admissible. All officers who re-enter the Army on or after 1 December 1998 may, subject to Article 34A, count any previous gratuity earning service irrespective of the length of the break in service.
- 32.** Appointments not remunerated from Army funds (referred to in Article 29c) which may be allowed to count for periods of qualifying service are those which it may be decided can reasonably be regarded as part of an Army officer's career as such. They shall be appointments to which the officer brings his military knowledge and from which he acquired additional experience, and which have officially been offered to him as part of his Army service.

#### **Counting of former Commonwealth service**

- 32A.** An officer who had given previous service in a Commonwealth or colonial military force or in the former armed forces of the former armed forces of India or Burma and transferred into the Regular Army prior to 1st September 1985 may count that previous service as qualifying for the purposes of Article 29. Any officer who entered the Regular Army on or after 1st September 1985 will be credited with reckonable service in respect of former Commonwealth service if and only if they purchase added years in the AFPS; or a scheme to scheme transfer value is paid to the AFPS on

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their behalf. Officers serving on non-pensionable commissions before 1 September 1985 but who after that date transfer without a break in service to a pensionable commission will be able to count former Commonwealth service under the rules current before 1st September 1985. If, however, there is a break in service they will be treated as if they entered the service on or after 1st September 1985.

**Reckonable service for Service retired pay**

- 33.** Reckonable service for Service retired pay shall be so much of the officer's qualifying service as was given after he attained the age of 21 years.
- 33A.** Notional years of service which have been bought under the Purchase of Added Years Scheme may be added to the service which has actually been given for the purpose of calculating the rate of retired pay and terminal grant.
- 33B.** An officer in respect of whom a transfer payment is accepted from a former pension scheme may be credited with such reckonable service as corresponds to the amount of the transfer payment received.
- 33C.** An officer who is an outstanding athlete on reduced pay will be treated as having the same reckonable service as if he had been serving on full pay.

**Qualifying and Reckonable Service in Relation to Maternity, Adoption, Paternity and Parental Leave**

**33D. a. Maternity Leave—**

- (1) The following time periods will count as both qualifying and reckonable service:
- (i) For an officer whose baby was due on or after 16 October 1994, but before 30 April 2000, the first 18 weeks of maternity leave.
  - (ii) For an officer whose baby was due on or after 30 April 2000, but before 6 April 2003, the first 18 weeks of maternity leave.
  - (iii) For an officer whose baby was due on or after 6 April 2003, the first 26 weeks of maternity leave.

The periods of leave at (i) to (iii) above will be referred to as 'Ordinary Maternity Leave' (OML) subject to the relevant terms and conditions defined in Defence Council Instruction (DCI) JS 99 2001, DCI JS 05 2003 and single Service regulations as amended.

- (2) Any additional pension benefit/supplement within the AFPS to which the officer may be entitled will be unaffected by her taking OML.

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- (3) 'Additional Maternity Leave' (AML) counts as qualifying service, but will not count as reckonable service. The following time periods will constitute AML subject to the relevant terms and conditions defined in Defence Council Instruction (DCI) JS 99 2001, DCI JS 05 2003 and single Service regulations as amended:
  - (i) For an officer whose baby was due on or after 1 June 2001, but before the 6 April 2003, AML must end no later than 29 weeks from the birth of the child.
  - (ii) For an officer whose baby was due on or after 1 June 2001, but before the 6 April 2003, any official extension to the AML period under the 'Enhanced Maternity Leave' arrangements, up to 37 weeks from the birth of the child.
  - (iii) For an officer whose baby was due on or after the 6 April 2003, 26 weeks from the end of OML.
- (4) Where a commission is extended by the period of service equivalent to AML for the purposes of obtaining the required reckonable service to be eligible for an immediate pension, this extended period of service will count as both qualifying and reckonable service for pension purposes.
- (5) With effect from 23 June 1994, a period during which an officer is in receipt of statutory maternity pay, even where this period occurs after the date of her retirement will count as both qualifying and reckonable service.
- (6) If an officer does not complete her engagement after OML/AML, her award under the AFPS will be at the voluntary retirement rate. See: **Table 10, Appendix VIII** for Premature Voluntary Retirement rates.

**b. Adoption Leave—**

- (1) For an officer (male or female), who is not taking 'Paternity Leave' (Adoption) and who is notified of being matched with a child on or after 6 April 2003, or with whom a child is placed for adoption on or after that date, the first 26 weeks of 'Adoption Leave' will count as both qualifying and reckonable service.

The other parent (male or female) in the case of adoption, who is not taking 'Adoption Leave' will be eligible for 'Paternity Leave' (See: Article 33D, for paternity leave regulations). The 'Adoption Leave period' defined above will henceforth be termed as 'Ordinary Adoption Leave' (OAL) and will be subject to the relevant terms and conditions defined in Defence Council Instruction (DCI) JS 40 2003, and single Service regulations as amended.

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- (2) 'Additional Adoption Leave' (AAL) counts as qualifying service, but will not count as reckonable service. The following time periods will constitute AAL subject to the relevant terms and conditions outlined in Defence Council Instruction (DCI) JS 40 2003 and single Service regulations as amended.
  - (i) For an officer who is notified of being matched with a child on or after the 6 April 2003, or with whom a child is placed for adoption on or after that date, up to 26 weeks leave from the end of OAL.

Any additional pension benefit/supplement within the AFPS to which the officer may be entitled will be unaffected by taking OAL.

- (3) Where a commission is extended by the period of service equivalent to the AAL for the purposes of obtaining the required reckonable service to become eligible to an immediate pension, this extended period of service will count as both qualifying and reckonable service for pension purposes.
- (4) If an officer does not complete his commission after OAL/AAL, the award under the AFPS will be at the voluntary retirement rate. See: **Table 10, Appendix VIII** for Premature Voluntary Retirement rates.

**c. Paternity Leave—**

- (1) An officer whose baby was due on or after 6 April 2003 or, in the case of adoption, an officer (male or female) who is not taking 'Adoption Leave' and is notified of being matched with a child on or after 6 April 2003, or with whom a child is placed for adoption on or after that date, will be eligible to take 2 weeks 'Paternity Leave', subject to the relevant terms and conditions as amended. 'Paternity Leave' counts as both qualifying and reckonable service.
- (2) Any additional pension benefit/supplement within the AFPS for which the officer may be entitled will be unaffected by taking 'Paternity Leave'.

**d. Parental Leave & Prenatal Leave—**

- (1) 'Parental Leave' and 'Prenatal Leave' counts as qualifying service, but will not count as reckonable service. 'Parental Leave' will be subject to the terms and conditions defined in Defence Council Instruction (DCI) DCI JS 153 2001, DCI JS 79 2002, DCI JS 06 2003 and single Service regulations as amended. 'Parental Leave' will be subject to the terms and conditions of DCI JS 99 2001, DCI JS 05 2003 and single Service regulations as amended.



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**Qualifying Service**

**33E.** Qualifying service will NOT include the periods listed below, which are also NOT reckonable for benefits in the Scheme.

- a. Service forfeited by desertion unless such service is subsequently restored.
- b. Any period for which pay is forfeited for reasons related to service discipline.
- c. Any period of unpaid leave, except as specifically authorised elsewhere in these regulations.
- d. Any period during which the officer was authorised to take an unpaid career break.
- e. Any period of absence without leave.
- f. Any period during which the officer opted out of the Armed Forces Pension Scheme in favour of membership of any other pension scheme or arrangement.

**Adjustment in respect of previous service**

**34.** Where an officer serving on a gratuity-earning short service commission in the Royal Navy or the Royal Air Force is allowed to leave in order to take up a pensionable commission in the Army, that service may count as qualifying service for an eventual award of non-effective benefits under Article 29, provided no gratuity was received from the Royal Navy or Royal Air Force. Where a gratuity in respect of a short service commission has been paid, from either the Army, the Royal Navy or the Royal Air Force and providing any break in service is less than 5 years, former service may qualify for non-effective benefits providing the gratuity is refunded within the first year of transferring to a pensionable commission, either by lump sum payment or by 12 equal monthly payments or by combination of the two. The arrangements for refunding must be made at the time of entry onto a pensionable commission. Where an officer has received a non-effective award and/or a refund of contributions paid under a superannuation scheme in respect of previous service other than in the Royal Navy, Royal Marines, Army or Royal Air Force, it may be stipulated, as a condition for allowing such service, that he will make such payment to Army funds as may be considered appropriate. Where a refund or payment is to be made under this Article it shall be made either as a lump sum or as otherwise agreed by the Department, but only in circumstances where agreement was given prior to 6th April 1978 can refunds be made from terminal benefits. Once made, a decision involving the counting of previous service is irrevocable.

**34A.** Where a gratuity in respect of a short service commission has been paid, from either the Army, Royal Navy or the Royal Air Force, and the officer re-enters the Army on or after 1 December 1998, that former service may qualify for non-effective benefits provided that the gratuity is refunded within the first year of transferring to a pensionable commission, either in a lump

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sum or by twelve equal payments, or by a combination of the two. The arrangements for refunding must be made at the time of entry onto a pensionable commission. The amount of the refund shall be the full gratuity plus interest at the base rate<sup>3</sup>, calculated on a monthly basis, from the day after the last day of service in respect of which the gratuity has been awarded to the day before the date of re-entry. Where the break in service is one month or less no interest is payable.

- 35.** If an officer during service on the Active List continues in receipt of retired pay or other analogous award, or if he has commuted any part of such award payable in respect of the previous service which may be allowed as qualifying service under Article 29, an award under this section or under Section 3 shall be of such amount as the Defence Council may determine and will not normally exceed the difference between the award of which he is already in receipt, including any amount commuted, and the award for which he would otherwise be eligible.

**Rank for Service retired pay**

- 36.** Subject to Article 37, rank for retired pay purposes shall be the substantive rank held by the officer on retirement provided that, unless the officer is invalided, he has held the rank on the Active List for at least 2 years, or, if a 4 Star General, for at least one year. If this substantive rank has been held for less than the minimum period specified, rank for retired pay purposes shall be the highest substantive rank which, with periods spent in higher substantive rank, satisfies the condition. Separate rules, shown at **Section 1**, Articles 21 to 26, shall apply for those Senior Regular Army Officers, who meet the special qualifying terms of Article 20.
- 36A.** Any period spent in higher substantive rank which is not used towards meeting the 2 year qualification in the lower rank and which is of one year's duration, will count for an addition to retired pay of one half of the difference between the retired pay of the lower rank and that of the higher rank with parts of a year (in excess of one year but less than 2 years) being counted proportionately.
- 37.** When an officer has held for a year or more acting rank above his rank for retired pay purposes, he may be granted an addition to the retired pay for which he is otherwise eligible, calculated as follows:
- a. For each complete year (with a maximum of 3) for which the acting rank was held, there may be added one third of the difference

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<sup>3</sup> "Base rate" means the rate for the time being quoted by the reference banks as applicable to sterling deposits or, where there is for the time being more than one such base rate, the rate which, when the base rate quoted by each bank is ranked in a descending sequence of four, is first in the sequence.

"Reference banks" means the largest institutions for the time being which:

- (i) are authorised by the Bank of England under the Banking Acts 1987(b),
- (ii) are incorporated in, and carrying on within the United Kingdom, a deposit-taking business (as defined in Section 6, but subject to any orders under Section 7 of that Act), and
- (iii) quote a base rate applicable to sterling deposits.



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between the retired pay for which the officer is eligible had the retired pay for which he would have been eligible and his rank for retired pay purposes been the rank one step above.

- b. Parts of a year in acting rank will be calculated proportionately, providing the acting rank has been held, in aggregate, for a minimum period of one year.
- c. Such an addition will not be admissible to retired pay assessed on a war substantive rank one step above the retiring substantive rank has been held and is not otherwise reckonable in assessing retired pay, it may be reckoned as if it were acting rank for the purpose of addition.
- d. Where substantive rank is not otherwise reckonable for retired pay, it may be reckoned as if it were acting rank for an addition under a. above.

The Defence Council may fix a date after which periods in acting rank will no longer be reckonable for addition to retired pay.

**Provisions for Special Forces Permanent Cadre—(Special Air Service-SAS)**

- 38.**
- a. Special Forces who transfer to permanent cadre become entitled to a higher rate of pension based on representative rates for rank from the Special Forces pay range. The higher rate is payable with effect from the date of joining the permanent cadre.
  - b. Should a member of the permanent cadre Special Forces subsequently return to parent (or other) Regt/Corps pension will be based on the higher of Special Forces representative rates for rank or the general representative rate for rank, provided the higher has been held continuously for 2 years in the last 5 years of service. (See: **Appendix VIII, Tables 8, 14, 18, 22, 40 and 43** for Special Forces officer pension rates).

**Service retired pay-conditions of award**

- 39.** Any officer who is:
- a. retired on or after reaching the normal age for retirement as laid down in the Pay Warrant 1964, Article 247, or
  - b. retired compulsorily before reaching that age because it has been decided that further employment is not available to him, or
  - c. retired or called upon to retire or resign, for unsuitability or for inefficiency not due to causes within his own control, or
  - d. retired compulsorily on satisfactorily completing a fixed period of service, or
  - e. retired under the Pay Warrant 1964, Article 246,

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may, provided that he has completed at least 16 years reckonable service, be granted retired pay assessed in accordance with Article 50.

- 40.** With effect from 1st April 1984, an officer permitted to retire at his own request may, subject to Articles **41** and **42**, and provided that he has completed at least 16 years reckonable service, be granted retired pay assessed in accordance with **TABLES 10 and 11, Appendix VIII**. Officers who on or before 30th September 1985 have 16 or more years reckonable service (including transferred in service from other pension schemes) will have a reserved right to an award under Article **40A**, if more favourable.
- 40A.** An officer permitted to retire at his own request may, subject to Articles 41 and 42, and provided that he has completed at least 16 years reckonable service on or before 30th September 1985, be granted retired pay assessed in accordance with Article 50, if he is 50 years of age or over. If he is under the age of 50 years, his retired pay will be reduced by five per cent if he has reached the age of 43 or ten per cent if he has not yet reached that age. In no case, however, will his retired pay be reduced below the rate for a captain retired compulsorily with 16 years reckonable service.
- 40B.** Officers re-employed before 1st April 1984 who subsequently retire voluntarily will have a reserved right to an award under Article **40A** if more favourable, but officers re-employed on or after 1st April 1984 who subsequently retire voluntarily will be awarded retired pay only under **TABLES 10 and 11, Appendix VIII**.
- 41.** An officer who, at the time of his retirement at his own request, has completed 16 years reckonable service but has not served for at least 5 years after his appointment to a regular or special regular commission or to a pensionable short service commission shall not be eligible for retired pay under Article **50**. He may however, be awarded a preserved pension under Articles **44** and **54**.
- 42.** When an officer who was appointed to a regular, special regular or short service commission after serving on a regular engagement in the ranks is permitted to retire at his own request, notwithstanding that he may have completed 16 years reckonable service, he shall not be eligible for an award of retired pay under Article **50** unless he has completed at least 5 years commissioned service. He may, however, provided he has completed 2 years commissioned service, be awarded a preserved pension under Articles **44** and **54**. Alternatively, he may, provided he has the necessary reckonable service, be awarded a pension under Article **145** or **147** at Warrant Officer Class I rates, based on his total reckonable service as if he had remained in the ranks. This award may be replaced at pension benefit age by an officer's rate of preserved pension if it would be to his advantage.
- 43.** An officer who is permitted to retire for compassionate reasons where the Secretary of State is satisfied that such reasons necessitate retirement or termination of service is to be treated as follows:

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- a. Where the commission held is one to which pensionable terms apply, and there is eligibility to an immediate award of retired pay at the rate applicable on premature voluntary retirement;
- b. Where the commission held is on gratuity earning terms, and is terminated 6 months or more in advance of the full period of service undertaken, under the formula applicable to premature voluntary retirement.

**Preserved pensions**

**44.** Except where he has committed a grave offence against the State or a serious offence against military discipline, an officer who leaves the service before qualifying for an award of retired pay under Article **39** or **45** may provided he has completed 2 years reckonable service, be granted a preserved pension assessed in accordance with Article **54**. Alternatively, where an officer is appointed to a commission after serving in the ranks on a regular engagement, but has not completed 5 years total service from age 21, or 2 years commissioned service may, provided he has completed at least 2 years reckonable service from age 18, be granted a preserved pension at Warrant Officer Class I rates based on his total reckonable service as if he had remained in the ranks. Additionally an officer leaving with at least 2 years contracted-out service will be eligible for benefits assessed under AFPS rates or Requisite Benefit Rates (see Appendix III), or any (preserved) Guaranteed Minimum Pension that would be derived from qualifying service under State Second Pension Scheme, payable at State Retirement Age, whichever is the greater. Although contracted-out service will count as qualifying service for preserved benefits, only reckonable service as defined in Article 33 will count when assessing benefits under AFPS rules. The pension shall be put into payment when the officer reaches pension benefit age. Preserved pension benefits accrued by reference to service before 6 April 2006 shall be put into payment when the officer or soldier reaches the age of 60. Preserved pension benefits accrued by reference to service on or after 6 April 2006 shall be put into payment when the officer or soldier reaches the age of 65 but they may elect to receive this element of their pension on an actuarially reduced basis when they reach the age of 60.

**44A.** Preserve Pension may be paid earlier than the pension benefit age, if the pensioner becomes permanently incapacitated through physical or mental infirmity from engaging in any regular full time employment. Early payment of entitlement shall commence from the date that a successful claim was submitted, unless the Defence Council decides otherwise. However, if an applicant for early payment of preserved pension dies before payment has been authorized the processing of the application should cease and arrears of pension shall not, subject to any exception which the Defence Council may approve, be allowed to be paid to the applicant's estate.

**Non-attributable Invaliding retired pay**

**45.** Officers serving on pensionable commissions who are invalided from service but are not awarded service Attributable Retired Pay under Articles **46** or

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**46A** and who gave full pay service on or after 31 March 2005 may be awarded Service Invaliding Retired Pay as follows:

- a. For officers who have completed at least 5 years' qualifying service of which at least 2 years have been served from the age of 21, Service Invaliding Retired Pay under **TABLE 12, 13 or 14, APPENDIX VIII**.
- b. For officers who have completed between 2 and 5 years' qualifying service, at the rate for a preserved pension on the alternative formula under Article **44**.
- c. In cases where the Defence Council so decide, the award and the amount of Service Invaliding Pension will be at their discretion.
- d. For officers who have completed at least 2 years' contracted out service, but less than 2 years reckonable service, the better of:
  - (1) their reckonable service assessed in accordance with Article 44, or
  - (2) their contracted out service assessed at Requisite Benefit Rates as specified in Appendix II.

#### **Attributable Invaliding Retired Pay**

**45A.** In this section, a reference to a 'degree of disability' means the assessment of the degree of disablement made by the Veterans Agency in accordance with Article 9 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 ("the Service Pensions Order") in respect of any injuries or conditions which directly resulted in the individual being invalided from service."

**45B.** For the avoidance of doubt, an officer is not entitled to service attributable retired pay under Article **46A** or **46B** if he is entitled to the payment of benefits under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same condition.

**46.** This Article applies where the officer's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, an officer, including a short service officer, who is invalided from the Army as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by his service, and where the degree of disability (as defined in Article 45A) is assessed at 20 per cent or more, may be granted Service Attributable Retired Pay. This shall be either the award for which he is entitled under Article **45, 50, 50A** and **50B** or the minimum rate of Service Attributable Retired Pay under **Table 16, 17 or 18, Appendix VIII** according to his rank and percentage of disability, whichever is the greater. Service Attributable Retired Pay may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in Article **47, 47A, 47B** and **47C**. In cases where the Defence Council so decide, the grant and the amount of Service Attributable Retired Pay shall be at their

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discretion. This subparagraph applies regardless of whether the officer has opted out of the Armed Forces Pension Scheme.

- 46A.** This Article applies where the officer's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, an officer who is invalided from the Army as a result of a disability for which he is entitled to the payment of a war disablement pension under Article **10** of the Service Pensions Order by virtue of the degree of disability (as defined in Article **45A**) being 20 per cent or more, and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be granted Service Attributable Retired Pay. This shall be either the award for which he is entitled under Article **45**, **50**, **50A** and **50B** or the minimum rate of Service Attributable Retired Pay under **Table 16, 17 or 18, Appendix VIII** according to his rank and percentage of disability, whichever is the greater. Service Attributable Retired Pay may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in Articles **47**, **47A**, **47B** and **47C**. In cases where the Defence Council so decide, the grant and the amount of Service Attributable Retired Pay shall be at their discretion. This subparagraph applies regardless of whether the officer has opted out of the Armed Forces Pension Scheme.
- 46B.** Where the officer was invalided on or after 1 January 2000 as the result of a disability which is not accepted as attributable to or aggravated by service under Article **46** or **46A**, but has another disability for which he is entitled to the payment of a war disablement pension under Article **10** of the Service Pensions Order by virtue of the degree of disability (as defined in Article **149A**) assessed as at the date of invaliding being 20 per cent or more, and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, and which the Defence Council accepts would itself have led to invaliding, the Defence Council may decide to consider such disability for the purposes of determining eligibility for Service Attributable Retired Pay under Article **46** or **46A**.
- 47.** Where an officer is granted Service Attributable Retired Pay under **Table 16, 17d; or 18, Appendix VIII** the award will be adjusted upwards or downwards (but not below the rate of Service Invaliding Retired Pay to which he may otherwise be eligible) during the first 12 months following invaliding according to the degree of disability (as defined in Article **45A**). Thereafter the award will be adjusted only if the degree of disability rises or when it falls below 20 per cent. Where the Service Attributable Retired Pay is to be adjusted, the new rate will be paid from the day following the adjustment to the degree of disability, and will be the rate appropriate to the new degree of disability according to the pension code in force on the date the officer was invalided, increased as appropriate by any applicable pensions increase measures. Payment of Service Attributable Retired Pay will cease where the degree of disability falls below 20 per cent. However, in such a case payment of Service Invaliding or Standard Retired Pay may continue where the officer qualifies for it under the terms of Articles **39** to **43** or Article **45**.



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- 47A.** Where an officer receives any compensation for any disability which led to him being awarded benefits under Article **46** or **46A**, an adjustment may be made to the excess of the minimum rate of Service Attributable Retired Pay over the appropriate rate of Service Invaliding Retired Pay at the discretion of the Defence Council.
- 47B.** Where an officer is invalided wholly or partly as a result of his own negligence, misconduct or other matter within his own control, any award of Service Attributable Retired Pay under Article **46** or **46A** may be withheld or reduced to the extent that the Defence Council decides is appropriate.
- 47C.** If an award of unemployability supplement under Article 18 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 is made to an officer during the first 12 months following his invaliding, or following the date of a determination of attributability by the Veterans Agency if later, any award at the minimum rate of Service Attributable Retired Pay will be abated by the amount of the supplement, but will not be reduced below the rate of Service Invaliding Retired Pay to which the officer may otherwise be eligible in accordance with Article **50**.

**Disciplinary awards**

- 48.** An officer who is called upon to retire or resign or is removed for inefficiency or other cause within his control, including misconduct, or is dismissed from the Service, and who has at least 16 years reckonable service, may be awarded retired pay at rates shown in **TABLE 10** and **29, Appendix VIII**.
- 49.** Pension benefits may be forfeited where:
- a. an officer or former officer is convicted of the offence of treason or of one or more offences under the Official Secrets Acts 1911 to 1989 for which he has been sentenced to a term of imprisonment of at least 10 years or has been sentenced on the same occasion to two or more consecutive terms amounting in the aggregate to at least 10 years;
  - b. an officer or former officer is convicted of an offence in connection with service, including the offences listed below, which is considered by the Secretary of State for Defence to have been gravely injurious to the defence, security or other interests of the State:
    - (1) Assisting, aiding or communicating with the enemy in time of war;
    - (2) Mutiny or incitement to mutiny in time of war or peace;
    - (3) Failure to suppress a mutiny in time of war or peace;
    - (4) Desertion in time of war or on active service;
    - (5) Sabotage in War or grave sabotage in time of peace;
    - (6) Grave breach of the Geneva Conventions.

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**Assessment of retired pay**

- 50.** Retired pay, Service invaliding retired pay or preserved pension granted to an officer under the provisions of Articles **39** to **46** shall be determined according to rank, to length of reckonable service and to the rates in force at the date of retirement. The rates are set out in the tables in Article **54** and the relevant tables in **Appendix VIII** according to the category of officer and condition of retirement.

**Provisions for Medical and Dental Officers**

- 50A.** An award of Service retired pay made to an officer of the Royal Army Medical Corps or the Royal Army Medical Corps of the Royal Army Dental Corps or the Royal Army Medical Corps of the Royal Army Dental Corps on or after 1 April 2003 at the applicable rates specified in **Appendix VIII** shall be augmented by the addition of a pension supplement at the rates specified at **TABLE 6** and **7, Appendix VIII**. This pension supplement is a daily rate for each day served on or after 1st April 1997. Where an officer is invalided attributably or non-attributably, and the appropriate invaliding pension code is lower than a pension calculated in this way, then the normal rate of retired pay shall apply.

**Provisions for Professional Aviators**

- 50B.** With effect from 1 April 2003, the pension benefits of Professional Aviators will also be augmented by the addition of a pension supplement at the rate specified in **TABLE 45 Appendix VIII**. Where an officer is invalided attributably or non-attributably, and the appropriate invaliding pension code is lower than a pension calculated in this way, then the normal rate of retired pay shall apply.
- 51.** Where reckonable service includes a residual period of less than a complete year the rate of retired pay shall be that appropriate to the number of complete years with an addition for each further day of reckonable service of 1/365th of the increase which would have been admissible had the officer served to complete the further year.
- 52.** An officer who has served both as a member of the United Kingdom based Regular Army and of a Maltese unit may be granted an award assessed under Article **54**, and **TABLE 2, 3, 5, 8, 13** or **14, Appendix VIII** but the period of his reckonable service with the Maltese unit shall count as two thirds of an equivalent period with the United Kingdom based Regular Army. In cases where this results in total reckonable service of less than 16 years for an award under **TABLE 2, 3, 5** or **8, Appendix VIII** the officer may be granted retired pay at the proportion of the rate for 16 years service according to his reckonable service.
- 52A.** Members of the permanent cadre of the Former Ulster Defence Regiment serving on 21st April 1977 who opted to have their prior service, which would have reckoned under the old terms<sup>4</sup>, reckoned instead under this

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<sup>4</sup> For old terms see Ministry of Defence letter D/F2(AD)/69/1F2ci (AD) dated 26 September 1973

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section, subject to refund of any previous benefits as prescribed in this Warrant or as directed by the Defence Council, shall be entitled to reckon such service as 77 per cent of an equivalent period of service in the United Kingdom based Regular Army.

### Chaplains

53. The grant of retired pay to the Chaplain General, Deputy Chaplain General or Principal Roman Catholic Chaplain at the rates specially provided for those ranks in **TABLE 2, 3 or 10, Appendix VIII** shall be subject to the condition that he has served at least 2 years in his appointment. If he has served less than 2 years in his appointment, the rate of retired pay shall be assessed as for a chaplain to the forces 1st class. This condition will not however apply if he is invalided. Separate rules shown at **Section 1, Articles 21 to 26**, shall apply for any award to the Chaplain general if he otherwise meets the qualifying terms of Article **20**.

### Preserved pensions

54. The rate of preserved pensions shall be assessed as follows:
- a. *Officers (other than chaplains)*  
For each year of reckonable service, three per cent of the 34 year rate of retired pay appropriate to the officer's rank and category.
  - b. *Chaplains*
    - (1) With less than 10 years reckonable service. For each year of reckonable service, three per cent of the 34 year rate of retired pay for a captain.
    - (2) With 10 or more years reckonable service. For each year of reckonable service, three per cent of the 34 year rate of retired pay for a major.
- 54A. Service credited as a result of a Transfer payment received from a former pension scheme does not count as reckonable service for the purposes of article 54b.
55. The award of a preserved pension made to an officer of The Royal Army Medical Corps of the Royal Army Dental Corps on or after 1 April 1998 shall be augmented by the addition of a pension supplement at the rates specified at **TABLE 6 or 7, Appendix VIII**.
56. Where an award under Articles **40, 42 and 48** is adjusted at pension benefit age in accordance with the above scale, the resulting rates of pension may not exceed the rate provided in **TABLE 2 or 6, Appendix VIII** as appropriate for the officer's rank and length of service. Similarly, where a surviving spouse's or surviving civil partner's pension under Article 237 is based on their Service spouse's or Service civil partner's pension as assessed on this scale the rate of pension thus assessed may not exceed the rate in **TABLE 2 or 8, Appendix VIII** for his rank and length of service.



Part 2—Service Retired Pay, Preserved Pensions, Terminal Grants, etc.

**57–63.** Reserved.

**Terminal Grants**

- 64.** An officer awarded retired pay, invaliding retired pay or a preserved pension under Articles **30** to **49** may in addition be granted a terminal grant of three times the annual rate of the award. Payment of the grant to an officer awarded a preserved pension shall not be made until his pension is put into payment. In the event of the officer dying before the preserved terminal grant is paid and he leaves no eligible surviving spouse, surviving civil partner, surviving eligible partner or eligible children, the preserved terminal grant may be paid to the estate.
- 65.** An officer with at least 5 years qualifying service who is granted an award of attributable retired pay under **TABLE 16, 17** or **18, Appendix VIII** may in addition be awarded a terminal grant of 3 times the annual rate of invaliding retired pay for which he would otherwise be eligible under **TABLE 12, 13** or **14, Appendix VIII** according to his rank and length of service.
- 66.** Where the retired pay awarded to an officer under Articles **40, 42** or **48** is increased to the level of a preserved pension at pension benefit age, he may in addition be awarded a terminal grant of the difference between three times the original award of retired pay and three times the original rate of preserved pension.

This difference will be updated by subsequent pension increases.

**Resettlement grants**

- 67.** Officers who have completed at least nine years reckonable pension earning service from age 21 may be awarded a resettlement grant on leaving the Army or on joining the part-time element of the Royal Irish Regiment having been awarded a preserved pension under Article 44. The rates of grant are given in Article **81**. Officers with less than 2 years commissioned service and awarded a preserved pension at soldiers' rates may be awarded a grant at soldiers' rates provided they have completed at least 12 years reckonable service from age 18 (See Article **167A** for soldiers' rates).

The grant may be withheld or reduced if service has not been satisfactory and may be reduced to meet a public or service claim.

- 68.** A resettlement grant may also be awarded to officers who have completed the appropriate period of satisfactory service specified at Article **67** but where, as the result of an election not to be a member of the Armed Forces Pension Scheme, that service is not, in whole or in part, reckonable service and provided that no other award is payable immediately on termination of service.
- 69.** An officer, who joins the Regular Army having had prior service with the Regular forces within 121 days of termination of service for which a resettlement grant has been awarded, will be required to refund all or part of the resettlement grant depending on the length of the break in service. An offi-

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cer, who has been allowed to retain part of a resettlement grant and who would qualify under Article 167A on leaving following further service, is to receive from the current grade only such proportion as the proportion of the original grant refunded. For example if one quarter of the original grant was refunded, one quarter of the current grant will be payable. If the whole of the annual grant was retained no further payment will be made.

70. The rates of resettlement grant will be as follows for Officers who give full pay service on the Active List on or after 31 March 2005:

- a. Officers including officers of the ... .. £12,709  
Royal Irish Regiment.
- b. Special Forces- Officers ... .. £17,945

71–76. Reserved.

#### Attributable gratuities

77. This article applies where the officer's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, an officer who is invalided with less than 2 years' qualifying service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service, may be paid either:

- a. where the degree of disability (as defined in Article 45A) is 20% or more, an attributable gratuity at the rates given in **Table 20, 21 or 22, Appendix VIII** according to the degree of disability assessed on invaliding; or
- b. where the degree of disability (as defined in Article 45A) is between 1 and 19%, a gratuity calculated on the length of qualifying service given pro rata to 2 years, at 30% of the 34 year rate of Service Retired Pay for the rank, but not less than 15% of the 34 year rate of Service Retired Pay.

77A. This article applies where an officer's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, an officer who has less than 2 years' qualifying service and who is invalided from service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service for the purposes of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 ("Service Pensions Order"), and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be paid either:

- a. where the degree of disability (as defined in Article 45A) is 20% or more, an attributable gratuity at the rates given in **Table 20, 21 or 22, Appendix VIII** according to the degree of disability assessed on invaliding; or

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- b. where the degree of disability (as defined in Article **45A**) is between 1 and 19%, a gratuity calculated on the length of qualifying service given pro rata to 2 years, at 30% of the 34 year rate of Service Retired Pay for the rank, but not less than 15% of the 34 year rate of Service Retired Pay.
- 78.** This subparagraph applies where the officer's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, an officer who is invalided with 2 or more years' qualifying service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service, and where the degree of disability (as defined in Article 45A) is 20% or more, may be granted an Additional Attributable Gratuity at the rates given in **Table 20, 21 or 22, Appendix VIII** according to the degree of disability assessed on invaliding. This shall be in addition to any award of terminal grant or invaliding gratuity to which he may be entitled.
- 78A.** This article applies where the officer's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, an officer who is invalided with 2 or more years' qualifying service as the result of a disability for which he is entitled to the payment of a war disablement pension under Article **10** of the Service Pensions Order 1983 by virtue of the degree of disability (as defined in Article **45A**) assessed as at the date of invaliding being 20 per cent or more, and which is accepted by the Defence Council, on a balance or probabilities, as attributable to or significantly aggravated by service, and where the degree of disability (as defined in Article **45A**) is 20% or more, may be granted an Additional Attributable Gratuity at the rates given in **Table 20, 21 or 22, Appendix VIII** according to the degree of disability assessed on invaliding. This shall be in addition to any award of terminal grant or invaliding gratuity to which he may be entitled.
- 79.** In cases where the Defence Council decide, the award and amount of the Attributable Gratuity and the Additional Attributable Gratuity shall be at their discretion.
- 79A.** For the avoidance of doubt, an officer is not entitled to an attributable gratuity if he is entitled to the payment of benefits under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same condition.
- 80–81.** Reserved.

**Death in service**

- 82.** The estate of an officer serving on a pensionable commission including a short service officer promoted from the ranks serving on pensionable terms who has completed 5 years continuous commissioned service, who dies in service, and who leaves neither a surviving spouse, surviving civil partner, surviving eligible partner nor child eligible for an award or gratuity under **Section 14** may, subject to the recovery of any public or service debts, be paid a lump sum equal to twice the annual rate of the maximum retired

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pay for his rank or the terminal grant for which he would have been eligible had he been invalided from the Service on the day he died, whichever is the greater. Where the officer is a chaplain with less than 20 years service, the maximum retired pay for his rank for this purpose shall be the rate for a major with 34 years reckonable service.

**Retired pay of officers for limited periods**

- 83.** During a period of not more than six months in the year, an officer on retired pay, not being an officer recalled to Army Service, may while employed in training or on any authorized military duty, draw his retired pay concurrently with any pay to which he may be entitled.

**Commutation of service retired pay**

**84. Life Commutation Scheme**

- a. An officer who has given service on or before 31 March 1978 and who retires on or after 6 April 1980 may commute for life a portion of his service retired pay awarded for reckonable service given before 6 April 1980 subject to such conditions as may be laid down from time to time by the Defence Council.
- b. The following awards are not eligible for commutation under this article—
  - (1) Preserved awards,
  - (2) Additions to retired pay which are authorised under pension increase measures.
- c. Commutation under both the resettlement commutation scheme set out in the Army (Resettlement Commutation Scheme) Warrant 2009 and under this Scheme is not permitted.
- d. Application for commutation under this scheme must be made before the award of service retired pay comes into payment.

**85–90.** Reserved.

Part 2—Reserved

### **Section 3—Reserved**

**91–107.** Reserved.



Part 2—Reserved

## **Section 4—Reserved**

**108–114.** Reserved.





Part 2—Gratuities for Short Service Officers

**Section 5—Gratuities for Short Service Officers**

- 115.** An officer granted a short service commission (or employed while holding a commission in Queen Alexandra's Royal Army Nursing Corps Reserve or in the Territorial Army Nursing Service or its Reserve) under terms which provide for the payment of a gratuity on the termination of a stipulated period of service, (up to a maximum of 7 years 364 days) may be awarded, on final satisfactory completion of such service a gratuity at the rate specified in Article **115A**. For the purpose of this Article service reckonable for a gratuity shall include commissioned service on full pay and, subject to the provisions of sub paras b and c of Article **115A**, paid commissioned service given by a medical or dental cadet and by a provisionally registered medical officer.

Where such reckonable service includes a period of less than a complete year the gratuity shall be that appropriate to the number of complete years with an addition for each additional day of  $1/365$ th of the increase which would be due if the officer had served to complete a full year.

The rates specified in sub paras a, b and c, of Article **115A** shall apply to officers of the RAMC and RADC. Where their professional training has been completed with assistance from Army Department funds under cadetship schemes for the entry of student doctors and student dentists, the gratuity shall, in cases where officers have failed to complete the required six years' return of service obligation, be abated by a sum which represents the net amount expended from the Army Department funds on tuition and maintenance during the period under training prior to provisional registration in case of medical officers, or the period under training prior to full registration in the case of dental officers.

- 115A.** Rates of Gratuities applicable to officers who give full pay service on or after 31 March 2005.

	£ per annum	
a.	Medical and dental officers-each year of commissioned service on full pay.	4,440
b.	Medical officers-for pre-registration year if appointed after service as a provisionally registered medical officer (where service is terminated before entry as a full medical officer, no gratuity will be paid).	1,760
c.	Medical and dental officers-for each completed year of cadetship if appointed after service as a medical or dental cadet (where the cadetship is withdrawn before entry into productive service as a full medical or dental officer no gratuity shall be paid).	1,760
d.	Veterinary officers of the RAVC.	4,245
e.	All other officers.	3,695

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**116.** Should such an officer fail to complete satisfactorily the full period of Active List service which he has undertaken, an award may nevertheless be made as follows:

- a. (1) for an officer whose service is terminated for non employment or who is permitted to terminate his service at his own request within 6 months of the completion of the full period of Active List service he has undertaken or
- (2) for a woman officer of the RAMC or RADC who was commissioned before 1 April 1984 and who is permitted to terminate her service on account of marriage or for family compassionate reasons where the Defence Council are satisfied that those reasons necessitate her retirement;

a gratuity proportionate to the length of the Active List service completed at the rates specified in Article **115A**. Where the Defence Council so decide, the grant and the amount of any award, within the same limit, shall be at their discretion.

- b. For an officer whose service is terminated on account of disability not due to causes within his own control. Unless the Defence Council decide otherwise, a gratuity proportionate to the length of Active List service actually completed, at the rates specified in Article 115A. Where the Defence Council so decide, the grant and the amount of any award, within the same limit, shall be at their discretion.
- c. In cases where the last day of full paid service falls on or after 1 October 1993 women officers who are permitted to resign for compassionate reasons or on marriage will, if their gratuity-earning commission is terminated 6 months or more in advance of the full period of service undertaken, have their gratuity calculated in accordance with Article **116e(1)(b)**.
- d. For an officer who service is terminated for unsuitability not due to causes within his control. Such gratuity as the Defence Council may determine but not exceeding a sum proportionate to the length of Active List service actually completed at the rates specified in Article 115A.
- e. In other circumstances, no gratuity shall be payable unless he has completed at least one year's satisfactory service.
  - (1) If he is thereafter permitted voluntarily to terminate his service more than 6 months before the end of the period of service he has undertaken, a gratuity may be granted as follows (this includes a woman officer who is permitted to terminate her service on account of marriage):
    - (a) For an officer commissioned or re-commissioned on or before 31 March 1984, a gratuity proportionate to the length of his actual service on the Active List less a deduc-

## Part 2—Gratuities for Short Service Officers

tion as follows for the period by which his actual service falls short of the period undertaken:

Where the shortfall is one year or less the gratuity which he would have earned by that full year's service.

Where the shortfall is more than one year a deduction as above for the final year, and, for each additional year or part of a year, 20 percent of the annual gratuity which would have been earned that further service.

For former medical and dental cadets an additional gratuity is also payable at the rates specified in Article 115A, b. and c. for the period of the cadetship.

- (b) For an officer commissioned or re-commissioned on or after 1 April 1984, including a woman officer who is permitted to terminate her service on account of marriage, a gratuity calculated in accordance with the following formula:

$$\text{full career gratuity} \times \left( \frac{\text{length of time actually served}}{\text{length of time committed to serve}} \right)^2$$

- (2) If his service is thereafter terminated owing to inefficiency or other cause within his own control including misconduct, he may be allowed such gratuity as the Defence Council may determine but not in any event exceeding the gratuity which would have been admissible had he left voluntarily.

117. Where an officer completes the full period of Active List service which he has undertaken, but his service is considered to have been unsatisfactory for reasons within his control, the Defence Council may at their discretion withhold the whole or part of the gratuity due to him.

### Death in service

118. Where a short service officer serving on terms which provide for payment of a gratuity on satisfactory completion of service dies in service while in receipt of full pay, leaving neither a surviving spouse, surviving civil partner, surviving eligible partner nor a child eligible for a gratuity under Section 14, except in the case of a chaplain, a payment may be made to his estate of a sum equal to twice the annual rate of retired pay for a regular officer of his rank with 34 years reckonable service or the amount of the gratuity which he would have received had he been invalided from the Army on the day he died if this is greater. In the case of a short service chaplain, the payment will be equal to twice the annual rate of retired pay of a major with 34 years reckonable service. In each case the payment shall be subject to the recovery of any public or service debts.

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- 119.** If an officer serving on a short service commission continues on full pay beyond the period of Active List service which he had undertaken, payment of the gratuity may be deferred until the end of such further service. No additional gratuity will be payable in respect of that further service unless special provision for such further payment is made.

Where a short service medical officer is allowed to undertake external study for a postgraduate course and is required to extend his service for a period equal to the length of study, that period of extension will not reckon for short service gratuity.

- 120.** Where officers have been granted short service commissions for duty:
- a. in or with the Adjutant General's Corps (Educational Training Services) and this service is treated under the Teachers' Superannuation (Army Education) Scheme, 1950, as contributory service under the Teachers' (Superannuation) Acts, or
  - b. as medical, dental or nursing officers in the Royal Army Medical Corps, Royal Army Dental Corps or Queen Alexandra's Royal Army Nursing Corps, and to whom the National Health Service Regulations for superannuation are applied during their service on a short service commission.

If commissioned or recommissioned prior to 6 April 1987 payment will be made by the Defence Council to the Department of Education and Science or to the Department of Social Security, as the case may be, from year to year during the currency of the short service commission, of an amount representing the employer's and employee's contributions due under the respective Acts, and the total amount so paid shall be deducted from any gratuity payable on termination of service. If an officer's service is terminated in circumstances rendering him ineligible for a gratuity or a gratuity of less amount than the contributions paid, recovery may be made from any other sums due to the officer.

An officer commissioned on or after 6 April 1987 who qualifies and opts for his service to be counted as reckonable under the NHS or Teachers' pension schemes will be responsible for the payment of both employers and employees contributions direct to the parent superannuation scheme as they fall due.

- 121.** Where an officer serving on a gratuity-earning short service commission in the Army is granted a pensionable commission in the Army or is allowed to leave in order to take up a pensionable commission in the Royal Navy or the Royal Air Force, no gratuity shall be payable, but that service may count as qualifying service for the eventual award of non-effective benefits under the regulations in force in the Royal Navy or Royal Air Force. If, after receipt of a gratuity in respect of service on a short service commission or in the ranks, an officer is granted a pensionable commission, his previous service will not be reckonable towards an ultimate award of terminal benefits unless satisfactory arrangements are made for the refund of the gratuity (see also Article 34). Where payments on his account or where

#### Part 2—Gratuities for Short Service Officers

contributions have been made under Article 120 and an officer wishes to count this service towards AFPS benefits upon being granted a pensionable commission, the payments made will be recovered by means of a transfer value from the Department of Education and Employment or the Department of Health. Regardless of the credit of service bought by any transfer value, the period on the short service commission will be deemed as reckonable service for an award under the AFPS.

- 122.** Where an officer serving on a gratuity-earning short service commission in the Royal Navy, the Army, or the Royal Air Force is allowed to leave in order to take up a gratuity-earning short commission in either of the other Services, no gratuity shall be payable but the 2 periods of service may be aggregated for any eventual award of gratuity by the latter Service.

#### **Maternity, Adoption & Paternity Leave- Short Service Gratuity**

- 123.** Any period of paid 'Maternity Leave' (Ordinary Maternity Leave- OML), 'Adoption Leave' (Ordinary Adoption Leave-OAL) or 'Paternity Leave', whether at the statutory minimum, reduced or full pay rate, constitutes both qualifying and reckonable service for the purposes of calculating any Short Service Gratuity payable, subject to the relevant terms and conditions defined in Defence Council Instruction (DCI) JS 99 2001, and single Service regulations as amended.

The Short Service Gratuity awarded to an officer serving on a gratuity-earning commission, where that officer decides to retire as a result of pregnancy or of the adoption of a child, or does not complete his/her commission after OML and 'Additional Maternity Leave' or OAL and 'Additional Adoption Leave' will be calculated at the Premature Voluntary Retirement rate if more than six months remain before the conclusion of the period of service to which committed.

- 124–134.** Reserved.

#### **Section 6—Reserved**



## Part 3

# Warrant Officers, Non Commissioned Officers and Privates<sup>6</sup>

### Section 7—Service Pensions, Preserved Pensions and Terminal Grants

- 135.** This section relates to soldiers, other than service pensioners who give further service and soldiers who have received pension while serving. It does not apply to Gurkha soldiers of the Brigade of Gurkhas or the part-time element of the Royal Irish Regiment or to other categories for which special provision is or may hereafter be made.
- 136.** A soldier who is discharged or transferred to the Reserve in the circumstances specified in Articles **145** to **155** may be granted a Service pension as provided in those Articles. Reckonable service shall be as defined in Articles **138** to **142**. Rank shall be as defined in Articles **143** or **144**.

#### Reserve Forces Act 1980 and 1996

- 137.** A soldier whose pension is awarded under this Warrant is liable to recall for service in an emergency under the Reserve Forces Act 1980 and the Reserve Forces Act 1996.

#### Reckonable service

- 138.** Reckonable service for the purpose both of determining entitlement to pension and of assessing the rates of service pension and of terminal grant shall, subject to Articles **139** to **142** be as follows:
- a. Unforfeitable full pay service given, otherwise than as a commissioned officer, after attaining the age of 18 years, in the Royal Navy, Royal Marines, Army or Royal Air Force.
  - b. Service as a commissioned officer which would reckon as qualifying service under Articles **29** to **31**. Service on full pay for the purpose of training while a member of the Auxiliary and Reserve Forces, except broken periods each of less than six months duration.
  - c. Full pay service after 20th April 1977 as a member of the permanent cadre of the former Ulster Defence Regiment (see Article **156A** for the conditions under which prior service may be reckoned in the case of personnel who were serving in the permanent cadre on 21st April 1977).

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<sup>6</sup> The regulations in this part are, in so far as they relate to pensions, made, except where otherwise stated, under **Section 2** of the Pensions and Yeomanry Pay Act 1884.



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- d. Service while a regular soldier in appointments not remunerated out of Army funds in respect of which the conditions of the Pay Warrant 1964, Article **450(c)**, are satisfied.
  - e. Service admissible under the Gurkha Pension Scheme, provided that such service is insufficient for immediate pension under that scheme.
  - f. Unforfeited full pay service given otherwise than as a commissioned officer after attaining the age of 18 years in the former Armed Forces of India or Burma or in the Commonwealth or colonial military forces for servicemen who have entered the British Armed Forces on or before 31 August 1985. Those joining after this date can only count former service of this nature if a transfer value is paid.
  - g. Service under the Armed Services Youth Training Scheme after attaining the age of 18.
- 138A.** Notional years of service which have been bought under the Purchase of Added Years Scheme may be added to the service which has actually been given for the purpose of calculating the rate of pension and terminal grant.
- 138B.** A soldier in respect of whom a transfer payment is accepted from a former pension scheme may be credited with such reckonable service as corresponds to the amount of the transfer payment received.
- 139.** Women may, in addition, count as reckonable service:
- a. Service on full pay in the Women's Royal Naval Service, Auxiliary Territorial Service, Women's Auxiliary Air Force, Women's Royal Air Force.
  - b. Service on full pay in any equivalent Woman's Service of Commonwealth countries or colonies for servicewomen who have entered the British Armed Forces on or before 31st August 1985. Those joining after this date can only count former service of this nature if a transfer value is paid.
  - c. See: Article **141A** for the rules on maternity leave for soldiers.
  - d. (Reserved).
- 140.** The following shall not be reckonable as periods of service towards pension under this section:
- a. Service forfeited by desertion unless such service is subsequently restored. In deserving cases the Defence Council may allow all or any part of service forfeited by desertion to reckon for pension.
  - b. Any period for which pay is forfeited under the Pay Warrant 1964, Article **436a. b. and c.** or Article **438**, except:
    - (1) Any period of absence without leave of five days or less.



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- (2) Any period of imprisonment or detention whilst undergoing a sentence of seven days or less awarded by the military authorities.
  - (3) Any period of field punishment.
  - (4) Any period for which pay is forfeited by a warrant officer or non commissioned officer (other than a lance corporal or equivalent rank) unless he was reduced to the ranks for the offence in connection with which the pay was forfeited.
- c. Colour service during which pension is drawn, except as otherwise provided in this Warrant.
  - d. Service while employed with the Navy, Army and Air Force Institutes.
  - e. Any period of unpaid leave, except as specifically authorised elsewhere in these regulations.
  - f. Any period during which the soldier was authorised to take an unpaid career break.
  - g. Any period during which the soldier opted out of the Armed Forces Pension Scheme in favour of membership of any other pension scheme or pension arrangement.
141. Except where a soldier in receipt of a service pension is re-employed, or where a soldier re-enters on or after 1 April 1985 having previously served on or after 31 March 1975, service preceding a five year interval in service will not be included as reckonable service unless specially allowed in exceptional circumstances. Eligibility to reckon such previous service shall normally be determined at the time of resumption of service. Where the soldier, during a break in service, has been a member of the Regular Reserve, Army Emergency Reserve, Territorial Army or other Reserve of any other of the Forces normally undertaking or liable for periodical training, the period of such membership shall not be regarded as an interval in service for the purpose of deciding whether the previous service is admissible.

**Qualifying and Reckonable service in relation to Maternity, Adoption, Paternity and Parental Leave**

**141A. a. Maternity Leave—**

- (1) The following time periods will count as both qualifying and reckonable service:
  - (i) For a soldier whose baby was due on or after 16 October 1994, but before 30 April 2000, the first 18 weeks of maternity leave.

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- (ii) For a soldier whose baby was due on or after 30 April 2000, but before 6 April 2003, the first 18 weeks of maternity leave.
- (iii) For a soldier whose baby was due on or after 6 April 2003, the first 26 weeks of maternity leave.

The periods of leave at (i) to (iii) above will be referred to as 'Ordinary Maternity Leave' (OML) subject to the relevant terms and conditions defined in Defence Council Instruction (DCI) JS 99 2001, DCI JS 05 2003 and single Service regulations as amended.

- (2) Any additional pension benefit/supplement within the AFPS to which the soldier may be entitled will be unaffected by her taking OML.
- (3) 'Additional Maternity Leave' (AML) counts as qualifying service, but will not count as reckonable service. The following time periods will constitute AML subject to the relevant terms and conditions defined in DCI JS 99 2001, DCI JS 05 2003 and single Service regulations as amended:
  - (i) For a soldier whose baby was due on or after 1st June 2001, but before the 6th April 2003, AML must end no later than 29 weeks from the birth of the child.
  - (ii) For a soldier whose baby was due on or after 1st June 2001, but before the 6th April 2003, any official extension to the AML period under the 'Enhanced Maternity Leave' arrangements, up to 37 weeks from the birth of the child.
  - (iii) For a soldier whose baby was due on or after the 6th April 2003, 26 weeks from the end of OML.
- (4) Where an engagement is extended by the period of service equivalent to AML for the purposes of obtaining the required reckonable service to be eligible to an immediate pension, this extended period of service will count as both qualifying and reckonable service for pension purposes.
- (5) With effect from 23 June 1994, a period during which a soldier is in receipt of statutory maternity pay, even where this period occurs after the date of her retirement will count as both qualifying and reckonable service.

**b. Adoption Leave—**

- (1) A soldier (male or female), who is not taking 'Paternity Leave' (Adoption) and who is notified of being matched with a child on or after 6th April 2003, or with whom a child is placed for

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adoption on or after that date, the first 26 weeks of ‘Adoption Leave’ will count as both qualifying and reckonable service.

The other parent (male or female) in the case of adoption, who is not taking ‘Adoption Leave’ will be eligible for ‘Paternity Leave’. (See: para **3017A**, (3)). The ‘Adoption Leave’ period defined above will henceforth be termed ‘Ordinary Adoption Leave’ (OAL) and will be subject to the relevant terms and conditions defined in DCI JS 40 2003, and single Service regulations as amended.

- (2) ‘Additional Adoption Leave’ (AAL) counts as qualifying service, but will not count as reckonable service. The following time periods will constitute AAL subject to the relevant terms and conditions outlined in Defence Council Instruction (DCI) JS 40 2003 and single Service regulations as amended.
  - (i) For a soldier who is notified of being matched with a child on or after the 6th April 2003, or with whom a child is placed for adoption on or after that date, up to 26 weeks leave from the end of OAL.
- (3) Any additional pension benefit/supplement within the AFPS to which the soldier may be entitled will be unaffected by taking OAL.
- (4) Where an engagement is extended by the period of service equivalent to the AAL for the purposes of accruing the required reckonable service to become eligible to an immediate pension, this extended period of service will count as both qualifying and reckonable service for pension purposes.

**c. Paternity Leave—**

- (1) A soldier whose baby was due on or after 6th April 2003 or, in the case of adoption, a soldier (male or female) who is not taking ‘Adoption Leave’ and is notified of being matched with a child on or after 6th April 2003, or with whom a child is placed for adoption on or after that date, will be eligible to take 2 weeks ‘Paternity Leave’, subject to the relevant terms and conditions defined in DCI JS 41 2003, and single Service regulations as amended. ‘Paternity Leave’ counts as both qualifying and reckonable service.

**d. Parental Leave & Prenatal Leave—**

- (1) ‘Parental Leave’ and ‘Prenatal Leave’ counts as qualifying service, but will not count as reckonable service. ‘Parental Leave’ will be subject to the terms and conditions defined in Defence Council Instruction (DCI) DCI JS 153 2001, DCI JS 79 2002 and single Service regulations as amended. ‘Prenatal Leave’ will be

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subject to the terms and conditions of DCI JS 99 2001, DCI JS 05 2003 and single Service regulations as amended.

**Adjustments in respect of previous service for which a non effective award has been received**

**142.** In the case of previous service in respect of which the soldier received a service gratuity (including a gratuity in respect of supplemental service, or of service on a short service engagement) it shall be a condition for the allowing of such service that the gratuity be refunded.

In any case of previous service other than in the Royal Navy, Royal Marines, Army, or Royal Air Force, it may be stipulated as a condition for the allowing of such service towards a pension that the soldier will make a payment to Army funds, either in a lump sum or otherwise.

A pensioner rejoining the Colours shall not, however, be required to refund any terminal grant he has received under Article **166** but, if a fresh award is made to him at the end of his further service, that award will be reduced by the amount of the terminal grant he previously received.

Where the counting of previous service is dependent on the repayment of a gratuity or on a payment being made to Army funds, arrangements for such payment or repayment shall be made at the time the soldier re-enters service.

**Rank for pension purposes**

- 143.**
- a. Rank for the purpose of assessing pension under Articles **153** and **TABLES 24–30** and **37–40** shall be the highest paid rank held for an aggregate of 2 years or more during the 5 years contracted out or reckonable service, see Articles **13–142** and **Appendix III**, preceding the termination of full pay Service. Where no paid higher rank was held for 2 years or more during the last 5 years service, service in a higher rank may, where it is to the soldier's advantage, be treated as if it were in all respects as service in a lower rank. In the case of a soldier who is invalided from the Service, the pension may, if more advantageous, be assessed in his substantive rank at the time of his discharge so long as he has held that rank for at least one day.
  - b. Where any period of at least one year's aggregated service in a paid rank higher than the rank for pension purposes has not been used in the assessment of pension, the soldier may be granted an addition to pension calculated as follows:
    - (1) For a period of at least one year, his pension will be assessed on the paid rank which he has held for an aggregate period of two years or more with an addition of one half of the difference between the pension for which he is eligible and the rate for the next higher rank for each year (subject to a maximum of two years) served in a rank or ranks higher than that on which the pension is based.

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- (2) For any residual part of a year in excess of one year; a proportion of one half of the difference between the pension for which he is eligible and the pension for the next rank above, calculated according to the number of days.
- c. With effect from 4th July 1984 where a soldier is reduced in rank for misconduct or other disciplinary reason during the last five years of his full pay service, his pension shall be assessed in accordance with Article 143a unless the Defence Council otherwise determine, having regard to the circumstances of the case.

The pension shall be revised at pension benefit age to the level of an award of preserved pension under Article 158, based on his rank in accordance with Article 143a and b, if it is to his advantage.

**144.** Where a soldier, having completed his Colour service under an engagement with eligibility for pension if he were discharged or transferred to the reserve, remains in service without a break-by reason of change of engagement, extension of service with the Colours, re-engagement or approved continuance in service beyond 22 years-but reverts to a lower rank on so remaining service, he may be awarded a pension on his final discharge calculated as follows:

- a. for the first 22 years, or for the period up to the time of reversion if this is later, on the scale appropriate to the rank on which his pension would have been assessed if he had been discharged on completing his 22 year engagement or at the time of his reversion calculated at the rates current on the date he is actually discharged, and
- b. for each further year in the lower rank an addition equal to the incremental progression in the pension scale of the lower rank, and
- c. if it is more advantageous to calculate the pension under the re-employment provisions of Articles 391–394 then these should be used.

Soldiers re-employed in a lower rank after being discharged to pension will have their pension re-assessed on final discharge under the provisions of Article 394.

**Provisions for Special Forces Permanent Cadre— (Special Air Service- SAS)**

**144A.**

- a. Special Forces who transfer to permanent cadre become entitled to a higher rate of pension based on representative rates for rank from the Special Forces pay range. The higher rate is payable with effect from the date of joining the permanent cadre.
- b. Should a member of the permanent cadre Special Forces subsequently return to parent (or other) Regt/Corps pension will be based on the higher of Special Forces representative rates for rank or the general representative rate for rank, provided the higher has been held con-

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tinuously for 2 years in the last 5 years of service. (See: **Appendix VIII, Tables 25, 27, 30, 33, 36, 40 and 43** for Special Forces soldier pension rates).

#### **Conditions of award**

- 145.** A soldier who is transferred to the reserve, or discharged from the Colours otherwise than for misconduct or inefficiency due to causes within his own control, may be granted a pension assessed in accordance with **TABLE 26** or **27, Appendix VIII** and Articles **162** to **165** provided he has completed at least 22 years reckonable service.
- 146.** A soldier serving on an engagement to complete 22 years service who would have been eligible on the termination of his engagement for a pension under the terms of Article **145**, but who is discharged less than three months before such termination so that he may:
- a. enter civil employment which he has obtained but which cannot be held open for him; or
  - b. take up a full time guaranteed place at a University, College or comparable educational establishment, that cannot be held open until his due date of discharge (providing that the course to be taken, which must last 6 months or more, does not have a subsequent start date available within 6 months) or there is some reason for ineligibility for a later course,
- may be awarded a service pension and terminal grant calculated on the reckonable service he has rendered, notwithstanding that his reckonable service falls short of 22 years.

#### **Preserved pensions**

- 147.** Except where he has committed a grave offence against the State or a serious offence against military discipline, a soldier, who is discharged or transferred to the Reserve before qualifying for an award of pension under Article **145** or **149** may, provided he has completed 2 years reckonable service, be granted a preserved pension assessed in accordance with Article **158**. Additionally, a soldier leaving with at least 2 years full-paid service will be eligible for benefits assessed under one of the following, whichever is the greater:
- a. in accordance with Article **158**, with the provision that only reckonable service as defined in Articles **138** to **141** will count when assessing benefits;
  - b. Requisite Benefit Rates as specified in Appendix III.

The pension shall be put into payment when the soldier reaches pension benefit age. Preserved pension benefits accrued by reference to service before 6 April 2006 shall be put into payment when the officer or soldier reaches the age of 60. Preserved pension benefits accrued by reference to



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service on or after 6 April 2006 shall be put into payment when the officer or soldier reaches the age of 65 but they may elect to receive this element of their pension on an actuarially reduced basis when they reach the age of 60.

**147A.** The preserved pension may be paid earlier if the pensioner becomes permanently incapacitated through physical or mental infirmity from engaging in any regular full time employment. However, if an applicant for early payment of preserved pension dies before payment has been authorized the processing of the application should cease and arrears of pension shall not, subject to any exception which the Defence Council may approve, be allowed to be paid to the applicant's estate.

**147B.** Where a soldier who has been awarded a preserved pension dies before reaching pension benefit age and leaves neither an eligible surviving spouse, surviving civil partner, surviving eligible partner nor eligible children a payment equal to the preserved terminal grant will be made to the estate of the deceased.

**148.** Reserved.

**Non-attributable Invaliding Pensions**

**149.** Soldiers serving on pensionable engagements who are invalided from service but not awarded Service Attributable Pension under Article **150** or **150A** and who gave full pay service on or after 31 March 2005 may be awarded an immediately payable Service Invaliding Pension as follows:

- a. For soldiers who have completed at least 5 years' reckonable service, Service Invaliding Pension under **TABLE 29** or **30, Appendix VIII**;
- b. For soldiers who have completed between 2 and 5 years' reckonable service, at the rate for a preserved pension assessed in accordance with Article **158**;
- c. For soldiers who have completed at least 2 years' full- paid service, but less than 2 years' reckonable service, the better of:
  - (1) their reckonable service assessed in accordance with Article **158**, or
  - (2) their full-paid service assessed at Requisite Benefit Rates as specified in **Appendix III**.

Invaliding pensions may be based on the length of reckonable service and on the rank held at the time of discharge, or on the rank defined in Article **143** if this is more favourable. In cases where the Defence Council so decide, the award and the amount of Service Invaliding Pension will be at their discretion.

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**Attributable Invaliding Pensions**

- 149A.** In this section, a reference to a ‘degree of disability’ means the assessment of the degree of disablement made by the Veterans Agency in accordance with Article 9 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (“the Service Pensions Order”) in respect of any injuries or conditions which directly resulted in the individual being invalided from service.
- 149B.** For the avoidance of doubt, a soldier is not entitled to service attributable pension under Article **150A** or **150B** if he is entitled to the payment of benefits under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same condition.
- 150.** This Article applies where the soldier’s disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, a soldier who is invalided from the Army as a result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by his service and whose degree of disability is assessed at 20 per cent or more may be granted a Service Attributable Pension. This shall be either the award for which he is entitled under Article **149** or the minimum rate of Service Attributable Pension under **Table 32** or **33, Appendix VIII** according to his rank and percentage of disability, whichever is the greater. Service Attributable Pension may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in Article **150C, 151, 151A** and **151B**. In cases where the Defence Council so decide, the grant and the amount of Service Attributable Pension shall be at their discretion. This subparagraph applies regardless of whether the soldier has opted out of the Armed Forces Pension Scheme.
- 150A.** This article applies where the soldier’s disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, a soldier who is invalided from the Army as a result of a disability for which he is entitled to the payment of a war disablement pension under Article **10** of the Service Pensions Order by virtue of the degree of disability (as defined in Article **149A**) assessed as at the date of invaliding being 20 per cent or more, and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be granted Service Attributable Pension. This shall be either the award for which he is entitled under Article **149** or the minimum rate of Service Attributable Pension under **Table 32** or **33, Appendix VIII** according to his rank and degree of disability, whichever is the greater. Service Attributable Pension may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in Articles **150C, 151, 151A** and **151B**. In cases where the Defence Council so decide, the grant and the amount of Service Attributable Pension shall be at their discretion. This subparagraph applies regardless of whether the soldier has opted out of the Armed Forces Pension Scheme.
- 150B.** Where the soldier was invalided on or after 1 January 2000 due to a disability which is not accepted as attributable to or aggravated by service under Article **150** or **150A**, but has another disability which is accepted by



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the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, and which the Defence Council accepts would itself have led to invaliding, the Defence Council may decide to consider such disability for the purposes of determining eligibility for Service Attributable Pension under Article **150** or **150A**.

- 150C.** Where a soldier is granted Service Attributable Pension under **Table 32** or **33, Appendix VIII**, the award will be adjusted upwards or downwards (but not below the rate of Service Invaliding Pension to which he may otherwise be eligible) during the first 12 months following invaliding according to the degree of disability. Thereafter the award will be adjusted only if the degree of disability (as defined in Article **149A**) rises or when it falls below 20 per cent. Where the Service Attributable Pension is to be adjusted, the new rate will be paid from the day following the adjustment to the degree of disability, and will be the rate appropriate to the new degree of disability according to the pension code in force on the date the soldier was invalided, increased as appropriate by any applicable pensions increase measures. Payment of Service Attributable Pension will cease where the degree of disability falls below 20 per cent. However, in such a case, payment of Service Invaliding or Standard Pension may continue where the soldier qualifies for it under the terms of Articles **145, 146** or **149**.
- 151.** Where a soldier receives any compensation for any disability which led to him being awarded benefits under Article **150** or **150A**, an adjustment may be made to the excess of the minimum rate of Service Attributable Pension over the appropriate rate of Service Invaliding Pension at the discretion of the Defence Council.
- 151A.** Where a soldier is invalided wholly or partly as a result of his own negligence, misconduct or other matter within his own control, any award of Service Attributable Pension under Article **150A** may be withheld or reduced to the extent that the Defence Council decides is appropriate.
- 151B.** If an award of unemployment supplement under Article 18 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 is made to a soldier during the first 12 months following his invaliding, or following the date of a determination of attributability by the Veterans Agency if later, any award at the minimum rate of Service Attributable Pension will be abated by the amount of the supplement, but will not be reduced below the rate of Service Invaliding Pension to which the soldier may otherwise be eligible under Article **149**.
- 152.** Reserved.
- 153.** Where a soldier who has served as a member both of the United Kingdom based Regular Army and of a Maltese unit is invalided from the Army the grant and the amount of any Service invaliding pension shall be at the discretion of the Defence Council.

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**Discretionary awards for inefficiency or misconduct**

**154.** A soldier who is discharged on or after 31st March 1984, for reasons of misconduct or incapacity, unsuitability or inefficiency within his own control, and who has completed at least 22 years' reckonable service, may be awarded a service pension assessed under **TABLE 26** or **27, Appendix VIII**. The rate of pension awarded to a soldier under this Article may, if it is to his advantage, be revised to the level of an award of preserved pension for his rank and length of service under Article **158** when he reaches pension benefit age.

**155.** Pensions benefits may be forfeited where:

- a. a soldier or former soldier is convicted of the offence of treason or of one or more offences under the Official Secrets Act 1911 to 1989 for which he has been sentenced to a term of imprisonment of at least 10 years or has been sentenced on the same occasion to two or more consecutive terms amounting in the aggregate to at least 10 years;
- b. a soldier or former soldier is convicted of an offence in connection with his service, including the offences listed below, which is considered by the Secretary of State for Defence to have been gravely injurious to the defence, security or other interest of the State:
  - (1) Assisting, aiding or communicating with the enemy in time of war;
  - (2) Mutiny or incitement to mutiny in time of war or peace;
  - (3) Failure to suppress a mutiny in time of war or peace;
  - (4) Desertion in time of war or while on active service;
  - (5) Sabotage in war or grave sabotage in time of peace;
  - (6) Grave breach of the Geneva Conventions.

**Assessment of Pensions**

**156.** The rate of Service pension, Service invaliding pension or preserved pension granted to a soldier under the provisions of Articles **145** to **149** shall be determined according to his rank and reckonable service. The rate shall be as set out in Articles **158** and **TABLES 24, 25, 29** or **30, of Appendix VIII** according to the terms of his discharge or transfer to the Reserve.

**156A.** Members of the permanent cadre of the Former Ulster Defence Regiment serving on 21st April 1977 who opted to have their prior service, which would have reckoned under the old terms<sup>7</sup>, reckoned instead under this section, subject to refund of any previous benefits as prescribed in this Warrant or as directed by the Defence Council, should be entitled to reckon such service as 77 per cent of an equivalent period of service in the United Kingdom based Regular Army.

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<sup>7</sup> For the old terms see Ministry of Defence Letter D/F2(AD) 69/9/IF2Ci (AD) dated 26th September 1973.

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- 157.** The rates in this section are for complete years of reckonable service. Rates for residual parts of a year shall be calculated proportionally according to the number of days.

**Provisions for Professional Aviators**

- 157A.** With effect from 1 April 2003, the pension benefits of Professional Aviators will also be augmented by the addition of a pension supplement at the rate specified in **TABLE 45, Appendix VIII**. Where a soldier is invalided attributable or non-attributably, and the appropriate invaliding pension code is lower than a pension calculated in this way, then the normal rate of retired pay shall apply.

**Assessment of Preserved Pensions**

- 158.** The rate of preserved pensions for warrant officers, NCOs and privates, including women, shall be assessed as follows. For each year of reckonable service 2.75 per cent of the 37 year rate of service pension appropriate to his rank; as defined in Article **143a** and **b**.

Where an award under Article **154, 155** is adjusted at pension benefit age in accordance with the above scale, the resulting rate of pension may not exceed the rate provided in **TABLE 24** or **25, Appendix VIII**.

Similarly, where a surviving spouse's or surviving civil partner's, pension under Article **247** is based on their Service spouse's or Service civil partner's pension as assessed on this scale, the rate of pension thus assessed may not exceed the rate in **TABLE 24** or **25, Appendix VIII** for his rank and length of service.

- 159–161.** Reserved.

- 162.** Where commissioned service is reckonable towards a soldier's service pension, additions may be allowed in assessing the pension of each year of commissioned service up to a maximum of nine years, at the rates in Article **167C** and subject to Article **163b**.

The provision of this Article shall not apply to a regular, special regular or short service commissioned officer who by virtue of his service in the ranks is eligible for an award in accordance with Article **42**.

**Maximum pension entitlement**

- 163.**
- a. Except as provided in sub para b below, the rate of pension shall not exceed the rate for 37 years reckonable service in **TABLE 24** or **25, Appendix VIII** appropriate to the rank used for assessing pension as determined under Article **143**.
  - b. Where increments for commissioned service are reckonable under Article 162 the maximum rate of pension shall not exceed the rate specified in Article **167C**.

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164. Reserved.

165. A soldier who on 1st April 1972 had given or was giving service as a pilot of the permanent cadre of the Army Air Corps, or as a pilot during a second tour of duty with the Army Air Corps which under regulations in force before 1st April 1972 would have given him entitlement to an addition to pension, and who on or before 1st June 1972 was engaged to serve for longer than 12 years, may be granted additions to pension assessed under **TABLE 24** or **25, Appendix VIII** at the rate applicable on 31st March 1972 (£0.09 a week) (£4.69 a year), provided that the total pension does not exceed 50 per cent of the individual's rate of pay (including length of service increments) in issue immediately prior to discharge. A soldier not covered by these provisions will not be entitled to any addition to pension for service as a pilot.

#### **Terminal grants**

166. A soldier awarded a pension under the following circumstances may also receive a terminal grant of three times the annual rate of that pension:

- a. A Service pension awarded under Articles **145** to **146**.
- b. A preserved pension awarded under AFPS rates as specified in Article **147a**. The terminal grant to be payable at the same time as the pension. Preserved Pensions awarded under Requisite Benefit rates as specified in Article **147b** do not attract Terminal Grants.
- c. A Service invaliding pension awarded under Article **149**.
- d. A discretionary award for inefficiency or misconduct under Articles **154** and **155**.

A soldier with at least two years reckonable service awarded a Service Attributable Pension under **TABLE 32** or **33, Appendix VIII**, may in addition be awarded a terminal grant of three times the annual rate of invaliding pension for which he would otherwise be eligible under **TABLE 29** or **30, Appendix VIII** according to his rank and reckonable service.

167. Where the Service pension awarded to a soldier under Article **154** or **155** is increased to the level of a preserved pension at pension benefit age, he may in addition be awarded a terminal grant equal to three times the difference between the annual rate of the original award of pension and the annual rate of the revised award.

#### **Resettlement grants**

167A.<sup>8</sup> A soldier who has completed at least 12 years reckonable service from age 18 may be awarded a resettlement grant on leaving the Army or on joining

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<sup>8</sup> Refund and reassessment of resettlement grants.  
The footnote to Article **69** will apply except that, where the word "officer" appears, the word "soldier" should be substituted.

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the part-time element of the Royal Irish Regiment having been awarded a preserved pension under Article 147. The rates of the grant are specified in Article 167C.

The grant may be withheld or reduced if service has not been satisfactory and may be reduced to meet a public or service claim.

- 167B.** A resettlement grant may also be awarded to soldiers who have completed the appropriate period of satisfactory service specified in Article 167A but where, as the result of an election not to be a member of the Armed Forces Pension Scheme, that service is not, in whole or in part, reckonable service and provided that no other award is payable immediately on termination of service.

**Additions for commissioned service and rates of resettlement grants**

**167C.** The following rates apply to men and women whose last day of service was on or after 31st March 2005;

- a. The addition for each year of commissioned service is £175.71.  
Subject to a maximum annual pension of £18,473.
- b. Resettlement grant of £8,687.
- c. Resettlement grant of £11,697 for SAS soldiers.

**Commutation of pension**

**168. Life Commutation Scheme**

- a. A soldier who has given service on or before 31 March 1978 who is discharged with an immediate pension on or after 6 April 1980 may, if he proves to the satisfaction of the Defence Council that it would be a distinct and permanent advantage to him to be granted a commuted sum in lieu of a part of his pension, and provided that he passes a medical examination showing him to be in a good state of health, be permitted to commute a part of his pension but only in respect of that proportion of his pension earned by reckonable service given before 6 April 1980, at a rate not exceeding that shown for his age in the Table given in **Appendix II**.
- b. A service attributable pension under **TABLE 32, 33, 37 or 40, Appendix VIII** may not be commuted unless the soldier has an entitlement to a rate of invaliding pension under **TABLE 29 or 30, Appendix VIII** in which case the excess of the minimum rate over the rate in **TABLE 29 or 30, Appendix VIII** may not be commuted.
- c. The following awards are not eligible for commutation under this article—
  - (1) additions to pensions which are authorised under pension increase measures,

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(2) preserved pensions.

- d. Subject to article 169, commutation under both the resettlement commutation scheme set out in the Army (Resettlement Commutation Scheme) Warrant 2009 and under this Scheme is not permitted.
- e. Application for commutation under this scheme must be made before the pension comes into payment.

**169.** A soldier who gave service on and before 31 March 1978 and who is discharged on or after 1 June 1983, whose maximum available sum under the resettlement commutation scheme set out in the Army (Resettlement Commutation Scheme) Warrant 2009 would be less than £1,000 may, in addition, commute concurrently under the life commutation scheme sufficient pension to produce a total sum from both schemes of £1,000, provided that the maximum sum available is taken as resettlement commutation.

Part 3—Service Gratuities

**Section 8—Service Gratuities**

- 170.** This section relates to soldiers transferred to the reserve or discharged from regular engagements on or after 31st March 1980 without entitlement to Service pension. It does not apply to Gurkha soldiers of the Brigade of Gurkhas, or the part-time element of the Royal Irish Regiment nor to soldiers of other categories for whom special provision is or may hereafter be made.
- 171.** Reckonable service and rank for the purpose of this section shall be as for Service pensions under **Section 7**.

Where the total reckonable service is not in complete years, the residual period of less than a year will be reckonable in calculating the amount of the gratuity. The award for the residual part of a year will be calculated, according to the number of days, as a proportion of the increase for the next complete year at the appropriate point.

**172–174.** Reserved.

**Attributable Gratuities**

- 175.** This article applies where the soldier's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, a soldier who is invalided with less than 2 years' qualifying service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service, may be paid either:
- a. where the degree of disability (as defined in Article 149A) is 20% or more, an attributable gratuity at the rates given in **Table 35** or **36, Appendix VIII** according to the degree of disability assessed on invaliding; or
  - b. where the degree of disability (as defined in Article **149A**) is between 1 and 19%, a gratuity calculated on the length of qualifying service given pro rata to 2 years, at 27.5% of the 37 year rate of Service Pension for the rank, but not less than 13.75% of the 37 year rate of Service Pension.
- 175A.** This article applies where a soldier's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, a soldier who has less than 2 years' qualifying service and who is invalided from service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service for the purposes of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 ("Service Pensions Order"), and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be paid either:
- a. where the degree of disability (as defined in Article **149A**) is 20% or more, an attributable gratuity at the rates given in **Table 35** or **36, Appendix VIII** according to the degree of disability assessed on invaliding; or



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- b. where the degree of disability (as defined in Article **149A**) is between 1 and 19%, a gratuity calculated on the length of qualifying service given pro rata to 2 years, at 27.5% of the 37 year rate of Service Pension for the rank, but not less than 13.75% of the 37 year rate of Service Pension.

**176.** This article applies where the soldier's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, a soldier who is invalided with 2 or more years' qualifying service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by his service, and where the degree of disability (as defined in Article **149A**) is 20% or more, may be granted an Additional Attributable Gratuity at the rates given in **Table 35** or **36, Appendix VIII** according to the degree of disability assessed on invaliding. This shall be in addition to any award of terminal grant or invaliding gratuity to which he may be entitled.

**176A.** This article applies where the soldier's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, a soldier who is invalided with 2 or more years' qualifying service as the result of a disability for which he is entitled to the payment of a war disablement pension under Article **10** of the Service Pensions Order by virtue of the degree of disability (as defined in Article **149A**) assessed as at the date of invaliding being 20 per cent or more, and which is accepted by the Defence Council, on a balance or probabilities, as attributable to or significantly aggravated by service, may be granted an Additional Attributable Gratuity at the rates given in **Table 35** or **36, Appendix VIII** according to the degree of disability assessed on invaliding. This shall be in addition to any award of terminal grant or invaliding gratuity to which he may be entitled.

**176B.** In cases where the Defence Council decide, the award and amount of the Attributable Gratuity and the Additional Attributable Gratuity shall be at their discretion.

**176C.** For the avoidance of doubt, a soldier is not entitled to an attributable gratuity if he is entitled to the payment of benefit under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same condition.

**Death in Service**

**177.** The estate of a soldier (other than a soldier serving on an 0 type (potential officer) engagement) or of a short service officer serving on pensionable terms who dies in service and who leaves neither a surviving spouse, surviving civil partner, surviving eligible partner nor a child eligible for an award under Section 14, may subject to the recovery of any public or Service debts be paid a lump sum equal to twice the annual rate of the maximum pension for his rank or the terminal grant for which he would have been eligible had he been invalided from the Service on the day he died, whichever is the greater.



Part 3—Reserved

## **Section 9—Reserved**

**178–189.** Reserved.



Part 3—Reserved

## **Section 10—Reserved**

**190–199.** Reserved.



Part 3—Regular Soldiers continuing in service during an Emergency

**Section 11—Regular Soldiers continuing in service during an Emergency**

**200.** Article **201** will be brought into operation on such occasions, being periods of general recall to service on account of an emergency, as the Army Council in consultation with HM Treasury may determine. In respect of each such occasion they may fix a date as that from which it will come into operation and a date from which it will cease to have effect.

**201.** A soldier serving on a normal regular engagement on the date on which this Article is brought into operation and who during its currency completes 22 years service reckonable for pension under Section 7 may be allowed, with effect from the date of completion of 22 years service or from any date thereafter for so long as this Article continues in operation, to elect to receive an immediate award of service pension and terminal grant, calculated on his service up to the date from which his election has effect. If he so elects to receive pension while serving, he will be regarded thereafter for pension purposes as re-employed pensioner to whom Section 10 relates.

A soldier who as a prisoner of war is unable to exercise the option to receive pension on completion of his engagement, may be permitted to elect to do so within three months of his release from imprisonment.

If he so elects, pension will be payable from the date he completes 22 years service reckonable for pension, and he will be regarded thereafter for pension purposes as a re-employed pensioner to whom Section 10 relates.

**202–204.** Reserved.



Part 3—Additional Pensions for Gallantry Awards

**Section 12—Additional Pensions for Gallantry Awards**

- 205.** An additional pension of £0.025 per day may be granted to a service pensioner who holds the Victoria Cross, George Cross, Military Cross or Distinguished Conduct Medal. It may be granted also to holders of the Conspicuous Gallantry Medal (Naval), Conspicuous Gallantry Medal (Flying), Distinguished Service Medal, Military Medal or the Distinguished Flying Medal, if awarded for service given after 2nd September 1939. The amount of the award will be subject to periodic review.

This additional pension shall not be granted to a pensioner in respect of the Victoria Cross, George Cross or Military Cross received for services rendered by him as a commissioned officer.

- 206.** Only one additional pension under Article **205** may be granted. If a pensioner holds more than one of the decorations or medals specified, or bars thereto, and is eligible for more than one gratuity of £20 in accordance with the provisions of the Pay Warrant 1964, Article **612**, the grant of an extra pension under Article **205** shall be regarded as being in place of one such gratuity and the remaining gratuity or gratuities may be issued.

- 207.** No addition to pension or gratuity shall be payable in respect of any decoration or medal awarded after 6 September 1993, with the exception of the Victoria Cross.

- 208–209.** Reserved.





## Part 4

# Family Pensions and Gratuities

### Section 13

- 210.** The family pensions and gratuities under this chapter apply in respect of the deaths of officers and soldiers to whom, on the date of their death, the pension arrangements in this Warrant applied in accordance with the rules set out in **Part 1A**. The attributable short term family pensions under **Section 15B**, and the attributable long-term family pensions and attributable gratuities under **Section 15D** also apply in respect of the death of an officer or soldier who had opted out of the pension arrangements in this Warrant at the time of his death. This part does not apply to members of the part-time element of the Royal Irish Regiment.
- 211.** Except as provided for in Sections 16 and 18 the officer or soldier in respect of whose death a pension is claimed must have had an entitlement to service retired pay, service invaliding retired pay, service pension, service invaliding pension or preserved pension.
- 212.**
- a. Except as provided for in sub-article b female officers and soldiers in respect of whose death a pension and/or gratuity is awarded under the terms of this Part, must unless otherwise stated, have given service on or after 1st October 1987.
  - b. Officers and soldiers of either sex in respect of whose death a pension and/ or gratuity is awarded under the terms of this chapter by virtue of a civil partnership must, unless otherwise stated, have given service on or after 1st October 1987.
  - c. A surviving eligible partner of an officer or soldier who gave service on or after 5 December 2005 may be awarded a pension or gratuity under **Section 15D** or **Section 15E** of this Part, as appropriate, provided they satisfy the conditions at **Article 220C**.
- 212A.** For the avoidance of doubt, no attributable long term family pension under **Section 15D** is payable to the surviving spouse, surviving civil partner, surviving eligible partner or child of a deceased officer or soldier where that survivor is entitled to the payment of benefit under the Armed Forces Compensation Scheme (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same officer's or soldier's death.

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**Section 14—General Conditions Governing the Award of Short-Term Family Pensions, Non-Attributable Long-Term Family Pensions, Attributable Long-Term Family Pensions and Associated Gratuities**

- 213.** If the death of an officer or soldier was due wholly or in part to his or her own negligence or misconduct or to any cause within his or her own control, the award and amount of any family pension payable shall be at the discretion of the Defence Council.
- 213A.** A pension otherwise payable to an officer or soldier's surviving spouse, surviving civil partner, surviving eligible partner or dependant shall be forfeited if that person is convicted of the offence of murder or manslaughter of that member or any other offence of which unlawful killing of that officer or soldier is an element.
- 214.** If the applicant is granted any other pension or allowance from public funds payable by virtue of the deceased's service then at the discretion of the Defence Council any award otherwise admissible may be withheld or reduced.
- 215.**
- a. Where an officer or soldier gave full pay service before 31st March 1975 and suffered an abatement of retired pay or pension on account of misconduct or inefficiency, the award of any family pension will be at the discretion of the Defence Council.
  - b. Where an officer or soldier gave full pay service on or after 31st March 1975 and before 31st March 1984 and suffered an abatement of retired pay or pensions (including preserved pension) on account of voluntary retirement, or misconduct, or incapacity or inefficiency within his own control, any family pension and associated gratuity will be determined by reference to the date of his retirement or discharge and either the accrual rates set out in Article 54 for officers and Article 158 for soldiers or the abated retired pay or pension whichever is more favourable, but in either case the rate of retired pay and pension shall not exceed the rate that would have been awarded on compulsory retirement or discharge.
  - c. Where an officer or soldier gave full pay service on or after 31st March 1984 and suffered an abatement of retired pay or pension (including preserved pension) for misconduct, any family pension and associated gratuity will be determined by reference to the unabated rate of retired pay or pension for his or her rank and reckonable service appropriate at the date of retirement or discharge, unless the Defence Council decide otherwise.
  - d. Where an officer or soldier has suffered an abatement of retired pay or pension as a consequence of a re-employment in the public services or elsewhere, any family pension and associated gratuity will be determined by reference to the rate of retired pay or pension that would have been in payment but for the abatement.

Part 4—General Conditions Governing the Award of Short-Term Family Pensions, etc.

- | **216.** If a surviving spouse, surviving civil partner or surviving eligible partner dies before establishing his or her claim to pension, arrears of pension will not, save in exceptional circumstances, be allowed to his or her estate.
- | **217.** The date of commencement of a long-term family pension will normally, if application is not unduly delayed, be the date following the spouse's, civil partner's or eligible partner's death or the date following the last issue of short-term family pension.
- | **218.** In exceptional circumstances the Defence Council may at its discretion withhold a part of a pension or gratuity granted under this Part and may divert such pension or gratuity in whole or in part for purposes which may be deemed to be in the interests of the pensioner or his or her family.

| **Conditions relating to marriage or civil partnership**

- | **219.** a. A surviving spouse or surviving civil partner who was married to or formed a civil partnership with the deceased officer or soldier before his or her retirement or discharge or before the completion or any further service that may have entitled the officer or soldier to re-assessed retired pay or pension, may be awarded a pension under this Part as appropriate.
- | b. A surviving spouse or surviving civil partner who married or formed a civil partnership with the deceased officer or soldier after his retirement or discharge but on or after 6th April 1978 and who is otherwise eligible may be awarded a short-term family pension under Section **15B** and, as appropriate, a non-attributable long-term family pension under Section **15C** or this Part of one half of the same proportion of the spouse's or civil partner's retired pay or pension as his or her service from 6th April 1978 bears to the whole of his or her reckonable service, or an attributable long-term family pension under Section **15D** of this Part apportioned according to the amount of the spouse's or civil partner's service given on or after 6th April 1978. No addition will, however, be payable in respect of any child unless it satisfies the conditions of eligibility set out in Article **222** of this Part.
- | c. The Defence Council may, in the light of the circumstances of the case, withhold, or reduce the amount of, any award otherwise admissible if the death of the officer or soldier occurred:
  - (1) on or before 5 April 2005 and within a year of his marriage; or
  - (2) on or after 6 April 2005 and within six months of (as the case may be) his or her marriage or the formation of a civil partnership.
- | **220.** Subject to Article **220A** a family pension awarded under the Section will continue in payment until the surviving spouse's, surviving civil partner's or surviving eligible partner's death except that:
  - a. where a male officer or soldier retired or died in service before 6 April 1978 and his widow:

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- (1) forms a subsequent marriage;
- (2) lives together with a man, to whom she is not married, as if they were husband and wife;
- (3) forms a subsequent civil partnership; or
- (4) lives together with a woman, with whom she has not formed a civil partnership, as if they were civil partners;

the pension will not be payable thereafter;

- b. where a female officer or soldier retired or died in service before 6 April 1989 and her widower:

- (1) forms a subsequent marriage;
- (2) lives together with a woman, to whom he is not married, as if they were husband and wife;
- (3) forms a subsequent civil partnership; or
- (4) lives together with a man, with whom he has not formed a civil partnership, as if they were civil partners;

the pension will not be payable thereafter;

- c. where an officer or soldier of either sex retired or died in service before 6 April 1989 and their surviving civil partner:

- (1) forms a subsequent marriage;
- (2) lives together with a person of the opposite sex to whom they are not married as if they were husband and wife;
- (3) forms a subsequent civil partnership; or
- (4) lives together with a person of the same sex, with whom they have not formed a civil partnership, as if they were civil partners;

the pension will not be payable thereafter;

- d. where the officer or soldier retired or died in service on or after 6 April 1978 (male personnel, except as provided for in sub-para (e)) or on or after 6 April 1989 (female personnel, except as provided for in sub-para (e)) and their surviving spouse:

- (1) forms a subsequent
  - (i) marriage; or
  - (ii) (as the case may be) a civil partnership;

the pension will cease to be paid;

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- (2) before reaching state pension age, lives together with a person of the
  - (i) opposite sex to whom they are not married as if they were husband and wife; or
  - (ii) same sex, with whom they have not formed a civil partnership, as if they were civil partners; the pension will cease to be paid; or
- (3) after reaching state pension age, lives together with a person of the
  - (i) opposite sex to whom they are not married as if they were husband and wife; or
  - (ii) same sex, with whom they have not formed a civil partnership, as if they were civil partners;

any pension will thereafter be restricted to the surviving spouse's guaranteed minimum pension applicable to service before 6th April 1997;

- e. where an officer or soldier of either sex was retired or died in service on or after 6 April 1989 and their surviving civil partner:

- (1) forms
  - (i) a marriage; or
  - (ii) (as the case may be) a subsequent civil partnership;

the pension will cease to be paid;

- (2) before reaching state pension age, lives together with a person of the
  - (i) opposite sex to whom they are not married as if they were husband and wife; or
  - (ii) same sex, with whom they have not formed a civil partnership, as if they were civil partners;

the pension will cease to be paid; or

- (3) after reaching state pension age, lives together with a person of the
  - (i) opposite sex to whom they are not married as if they were husband and wife; or

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- (ii) same sex, with whom they have not formed a civil partnership, as if they were civil partners;

any pension will thereafter be restricted to the surviving civil partner's guaranteed minimum pension applicable to service before 6th April 1997

Sub-paragraphs a(3), a(4), b(3), b(4), c(3) c(4), d(1)(ii), d (2)(ii), d(3)(ii), e(1)(ii), e(2)(ii) and e(3)(ii) do not apply where the scheme member dies on or before 4th December 2005."

**220A.** Sub-paras a to e of Article **220** shall not apply to a surviving spouse or surviving civil partner in receipt of an attributable family pension awarded under Section **15D** and Section **15E** who:

- (1) on or after 31 October 2000, forms a subsequent marriage;
- (2) on or after 31 October 2000, forms a subsequent civil partnership;
- (3) on or after 31 October 2000, lives together with a person of the opposite sex, to whom they are not married, as if they were husband and wife; or
- (4) on or after 5 December 2005, lives together with a person of the same sex, with whom they have not formed a civil partnership, as if they were civil partners."

**220B.** a. This Article applies where a pension ceases to be paid, or is restricted, in accordance with Article **220** of this Part.

b. Where, in the case of a surviving spouse or surviving civil partner who forms a subsequent marriage or civil partnership, the marriage is terminated or the civil partnership is dissolved or the parties are judicially separated or obtain a separation order in respect of their civil partnership, any attributable long-term family pension payable to the surviving spouse or surviving civil partner shall be restored:

- (1) where the claim for restoration is received within three months of the date of termination or the date of dissolution or the date on which the separation took effect, from that date; or
- (2) in any other case, from the date on which the claim for restoration is made.

For the purposes of this paragraph, references to termination of marriage or dissolution of a civil partnership and judicial separation shall be construed in accordance with Section 168 of the Pensions Act 1995.

c. Where the Defence Council are satisfied that a surviving spouse or surviving civil partner has ceased (as the case may be) to live with a man as his wife, a woman as her husband or a person of the same sex

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as if they were civil partners any attributable long-term family pension payable to the surviving spouse or surviving civil partner shall be restored from the date on which the claim for restoration is made.

- d. Notwithstanding the provisions of Article **220** sub paras (a)–(e), the Defence Council may restore any family pension under this Part where it appears to them that there are compassionate grounds for doing so.
- e. Where in any case to which this Article applies, the surviving spouse, surviving civil partner or surviving eligible partner qualifies for more than one pension in respect of the deceased spouse's, deceased civil partner's or deceased eligible partner's service in any of Her Majesty's Armed Forces, that person shall only be entitled to be paid one pension, being the pension which appears to the Defence Council to be the most beneficial.

**Conditions Relating to Surviving Eligible Partners**

- 220C.**
- a. A person is to be regarded as a surviving eligible partner of an officer or soldier if the officer or soldier leaves no surviving spouse or surviving civil partner and if, but only if, the person satisfies the Defence Council that at the time of the officer or soldier's death:
    - (1) their relationship was exclusive, committed and long-term;
    - (2) their relationship was substantial;
    - (3) they were not prevented from (as the case may be) marrying or forming a civil partnership; and
    - (4) either the partner was financially dependent on the officer or soldier or they were financially interdependent.
  - b. The Defence Council may, in the light of the circumstances of the case, withhold, or reduce the amount of, any award otherwise admissible if the death of the officer or soldier occurs within six months of (as the case may be) the beginning of a relationship with an eligible partner.

**Living Together as Husband and Wife**

- 220D.**
- Two persons of the opposite sex are to be regarded as living together as if they were husband and wife if the Defence Council considers that they have a substantial relationship. The Defence Council will take into account whether:
- a. they are members of the same household;
  - b. their relationship is established and publicly acknowledged; and



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- c. they are financially interdependent

### **Living Together as Civil Partners**

**220E.** Two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

### **Effect of separation on surviving spouse's and surviving civil partner's pension and gratuity**

- 221.**
- a. A surviving spouse or surviving civil partner's pension is payable only to a person to whom a service man or woman was married or with whom the service man or woman had formed a civil partnership at the time of his or her death. Consequently, benefits are not paid to divorced husbands or wives or former civil partners. For Armed Forces Pension Scheme purposes, only death, the granting of a decree absolute or the granting of a decree of nullity ends a marriage and only death, dissolution or the granting of a decree of nullity ends a civil partnership; neither separation (legal or otherwise) nor the issue of a decree nisi are regarded as bringing the marriage to an end and separation (legal or otherwise) is not regarded as bringing the civil partnership to an end. Under these circumstances, benefits would continue to be due under the scheme.
  - b. Except as provided for in Article **220** of this Part, if a surviving spouse or surviving civil partner is shown to be living with (as the case may be) a person of the opposite sex as if they were husband and wife or a person of the same sex as if they were civil partners, the surviving spouse or surviving civil partner will not be eligible for a pension.

### **Conditions for the award of children's pensions**

**222.** A "child" for the purposes of the award of a pension under this Part means:

- (1) a legitimate child of the officer or soldier provided that the child's other parent fulfilled the conditions relating to marriage contained in Article **219a** of this Part; or
- (2) a stepchild of the officer or soldier who was mainly dependent on him or her at the time of death, provided that the child's other parent fulfilled the conditions relating to marriage, civil partnership or eligible partners contained in Article **219a** and Article **220C** of this Part; or
- (3) a child adopted by the officer or soldier or by his or her spouse or civil partner or eligible partner before retirement or discharge (or, if he or she subsequently gave further service in circumstances rendering him or her eligible for a re-assessment of retired pay or service pension, before the termination of such



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further service), who was mainly dependent upon him or her at the time of death, and provided that the child's other parent by adoption fulfilled the conditions relating to marriage, civil partnership or eligible partners contained in Article **219a** and Article **220C** of this Part; or

- (4) a child mainly dependent upon the officer or soldier before his or her retirement or discharge (or, if he or she subsequently gave further service in circumstances rendering him or her eligible for reassessment of retired pay or service pension, before the termination of such further service) who was adopted by the officer or soldier or by his or her spouse, civil partner or eligible partner, after retirement or discharge (or after the termination of further service) provided that the Defence Council is satisfied that the officer or soldier had formed the intention of adopting the child before retirement or discharge (or before the termination of further service) or that the child had been a dependent stepchild at the time of the officer's or soldier's retirement or discharge and that the child was mainly dependent upon him or her at the time of death, and provided that the child's other parent by adoption fulfilled the conditions relating to marriage, civil partnership or eligible partners contained in Article **219a** and Article **220C** of this Part; or
- (5) an illegitimate child of the officer or soldier or of his or her spouse, or civil partner or eligible partner born before or within 9 months of the officer's or soldier's retirement or discharge (or, if he or she subsequently gave further service in circumstances rendering him or her eligible for re-assessment of retired pay or service pension, before the termination of such further service), who was, or would have been, mainly dependent upon him or her at the time of death, and provided that where the child is the illegitimate child of the civil partner or eligible partner the spouse, civil partner or eligible partner fulfilled the conditions relating to marriage or civil partnership or eligible partner contained in Article **219a** and Article **220C** of this Part; or
- (6) a child of the officer or soldier, born no later than 12 months after the death of the officer or soldier, who would have been mainly dependent on him but for his death.

**223.** a. A child's pension will normally cease when the child attains the age of 17 years, except where an officer or warrant officer class I was retired or discharged before 31st March 1973, when payment of a child's pension will normally cease at the age of 18 years. However, it may be granted or continued after these ages in the following circumstances:

- (1) if the child continues to receive full-time education (then the normal limit will be 3 years from the age of 18 years, but the pension may be further continued where there are circumstances justifying special consideration); or

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- (2) if the child is in full-time training and not receiving more than nominal wages; or
- (3) if, before attaining the age referred to above, the child was, and continues to be, afflicted by mental or bodily infirmity and is in the opinion of the Defence Council therefore incapable of earning his or her own living.
- (4) In any case where the child's pension ceases or is restricted under this Article it may be restored in such circumstances and for such a period as may be determined at the discretion of the Defence Council.

Children's pensions will be paid to the surviving spouse, surviving civil partner, eligible partner or parent of the child, or other person responsible for the child's maintenance, or the child direct, as may be decided by the Defence Council. An otherwise eligible child may continue to receive a pension even though he or she marries, forms a civil partnership or lives together with a person of the opposite sex as if they were husband and wife or with a person of the same sex as if they were civil partners.

- b. Payment of child's forces family pension may be awarded or restored in respect of those students continuing in higher education who take a break of not more than one academic year between the conclusion of secondary school education and returning to pursue a full-time course in higher education or training, provided that the intention to do so had been stated in advance. In restoration cases, payment of the pension would be suspended at the end of secondary education, and restoration would occur only on receipt of satisfactory evidence of return to higher education or training. Award or restoration of the pension to payment would date from the first of official day in higher education or training.
- c. In cases where a child could become eligible for multiple pensions (derived from one or more parents, step-parents, adoptive parents and/or guardians) the child's entitlement will be limited to the best two pensions.

**Effect of commutation**

- 224.**
- a. Except as provided for in sub-article (b) below, commutation of retired pay or service pension shall not debar a surviving spouse, surviving civil partner or children, otherwise eligible under the provisions of this Section, from receiving an award of pension nor shall any long term family pension be reduced or abated on that account.
  - b. Where a retired officer or soldier gives further service entitling him or her to a re-assessment of retired pay or pension, and before or during the period of re-employment if he or she marries or forms a civil partnership, having first commuted a portion of the retired pay or pension granted in respect of his or her original service, then any

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| award of pension to the the surviving spouse or surviving civil partner  
may be reduced by an amount proportionate to the amount of retired  
pay or pension originally commuted. Similarly any legitimate or  
| illegitimate child born after such commutation, or a stepchild eligible  
by virtue of a marriage or civil partnership after such commutation, or  
a child adopted after such commutation, shall likewise suffer an abate-  
ment of pension proportionate to the amount of retired pay or pen-  
sion originally commuted.

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## Section 15A—Family Pensions for the Eligible Survivors of Those Whose Service Ceased Before 31st March 1973

**225.** The provisions of this Section shall apply to the widows and children of male regular officers and soldiers whose last day of full pay service was before 31st March 1973 and who were granted service retired pay or pension, or who died in service on full pay.

- a. The widows and children of soldiers will be eligible for a pension provided reckonable service was given after 31st August 1950.
- b. In the case of those soldiers who died before 4th November 1958 the widows or children will be eligible for a pension under the provisions of this warrant only if the following minimum periods for reckonable service were completed:

<i>Rank of husband</i>		<i>Years of reckonable service</i>
Warrant Officer I	}	22
Warrant Officer II		
Staff Sergeant		
Sergeant		27
Corporal and below		32

### Widow's pension

**226.** The rate of widow's pension will be one-third of the husband's basic award of half pay, retired pay (or, if death occurred in service, the award that would have been made if the husband had retired or had been discharged on the date on which he died), uplifted by all the pensions increases appropriate to a pension beginning on the day following the husband's last day on full pay. Subject to the exception in Article **224**, any commutation of the husband's retired pay or pension will be ignored.

**227.** If however, the rate of widow's pension calculated in accordance with Article **226** of this Part would be less than the minimum rates of family pension set out in Article **264** the latter will be payable.

**228.** Those widows who do not qualify for a pension under sub- Article **225(a)** and **(b)** of this Section may however be eligible for a special pension under the provisions of Section **16**.

### Children's pension

**229.** Where there is a widow's pension in payment, each eligible child may receive an amount equal to one third of the widow's pension. Where there is no widow's pension in payment and none of any eligible children is in the care of a parent or step parent, each eligible child may receive an amount equal to two thirds of the widow's pension. Otherwise the award to

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each eligible child shall be limited to an amount equal to one third of the widow's pension.

**Family pensions where a war widow's pension is paid**

**230.** Widows of officers whose last day of full pay service was before 31st March 1973 and whose death is due to service may receive a widow's pension in accordance with Articles **225** to **228** of this Part, but abated by the difference between their war widow's pension and the war widow's pension for the widow of a warrant officer, Class I. Children's pensions will not be subject to such reductions.

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## **Section 15B—Short Term Family Pension for the Eligible Survivors of Those Who gave Service on or After 31st March 1973**

- 231.** Subject to the further restrictions in Article 233, the provisions of this Part apply to:
- (a) except as provided for in sub-paras (c) or (d), the eligible survivors of male regular officers and soldiers who gave pensionable service on or after 31 March 1973;
  - (b) except as provided for in sub-paras (c) or (d), the eligible survivors of female regular officers and soldiers who gave pensionable service on or after 1 October 1987;
  - (c) the survivors, eligible by virtue of a civil partnership, of regular officers and soldiers of either sex who gave pensionable service on or after 1 October 1987; and
  - (d) the surviving eligible partners of regular officers and soldiers of either sex who gave pensionable service on or after 5 December 2005 if, but only if, the death of the officer or soldier was from causes accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly hastened by service
- 232.** Where an officer or soldier dies either in service or in retirement with retired pay or pension, his eligible surviving spouse or surviving civil partner, as defined in sub-articles **219(a)** and **(b)** of this Part, or eligible partner, as defined in sub-article **220C(a)** of this Part, or eligible children as defined in Article **222** of this Part, may be paid for the period provided for in Article **233** of this Part a short-term family pension at an annual rate equal to his or her annual rate of pay on the day of death (excluding additional pay and allowances), or the annual rate of any retired pay or pension in issue at the time of death. The date of commencement is the day following the cessation of pay, retired pay or pension.
- 233.** The periods for which a short-term family pension may be paid are as follows:
- a. Where the officer or soldier dies on or after 6th April 1988 while giving full pay service on non-pensionable terms, or having given less than 2 years' service if on pensionable terms (5 years if prior to 6 April 1988), and there is no entitlement to an attributable long-term family pension under Article **256** or **256A**, and he or she leaves:
    - a surviving spouse or surviving civil partner with no dependent children in his or her care ..... 91 days
    - a surviving spouse or surviving civil partner with one dependent child in his or her care ..... 182 days
    - a surviving spouse or surviving civil partner with two or more dependent children in his or her care ..... 273 days

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- b. Where the officer or soldier dies on or after 31st March 1986 either while giving full pay service or in retirement, and an attributable long-term family pension is payable as a result under Article **256** or **256A**, a short term pension will be payable to the surviving spouse, surviving civil partner or surviving eligible partner (whether or not there are dependent children) for 182 days.
- c. In all other cases of death while giving full pay service or death in retirement and where he or she leaves:
  - a surviving spouse or surviving civil partner with no dependent children in his or her care .....91 days
  - a surviving spouse or surviving civil partner with one or more dependent children in his or her care.....182 days
- d. In all cases where there are eligible children in the care of a person other than the surviving spouse, surviving civil partner or surviving eligible partner:
  - where there is one child in the care of another person .....91 days
  - where there are two or more children in the care of another person.....182 days

Where an officer or soldier dies in retirement before his or her preserved pension has been put into payment, the surviving spouse, surviving civil partner or surviving eligible partner will not be eligible for a short-term family pension. If, however, the preserved pension has become payable (whether by reason of age or otherwise), then the surviving spouse, surviving civil partner or surviving eligible partner may receive a short-term family pension at the rates and in accordance with the conditions set out above.

- 234.** All, irrespective of number, who qualify under the terms of Article **233** of this Part will be awarded a short-term family pension for the specified period, at the end of which any attributable or non-attributable long-term family pension for which they are eligible will come into payment. The total value of awards is not limited to the rate of pay or pension in issue. Short-term pensions may, however, be increased to the level of any long-term family pensions payable where this would be to the surviving spouse's, surviving civil partner's or eligible partner's or children's advantage.

- 234A.** Where an officer or soldier dies in service after opting out of the Armed Forces Pension Scheme in favour of a personal pension plan, any short term pension paid to his or her eligible survivors will be based on the retired pay or pension which would have been awarded had he or she retired or been discharged on the date of death, in accordance with the terms of Article **233**.



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## **Section 15C—Non-Attributable Long-Term Family Pensions and Gratuities for the Eligible Survivors of Those Who gave Service on or After 31st March 1973**

### **Awards where the Serviceman or woman died in service, or in retirement in receipt of retired pay or pension**

- 235.** Except where otherwise stated, the provisions of this Section shall apply to:
- a. except as provided for in sub-para c., the eligible survivors of male regular officers and soldiers who gave pensionable service on or after 31 March 1973;
  - b. except as provided for in sub-para c., the eligible survivors of female regular officers and soldiers who gave pensionable service on or after 1 October 1987; and
  - c. the survivors, eligible by virtue of a civil partnership, of regular officers and soldiers of either sex who gave pensionable service on or after 1 October 1987.

- 236.** Pensions may be awarded to the eligible survivors of officers and soldiers who died in retirement while in receipt of half pay, active list retired pay, retired pay or pension or service invaliding retired pay or pension (including preserved pension) or who were serving at the date of their death and would have been so entitled had they been invalided on the date of death. However, a surviving spouse's or surviving civil partner's pension under Article **241** of this Part and a child's pension under Article **242** of this Part may be awarded where an officer or soldier serving on pensionable terms dies in service having given less than the minimum 2 years of qualifying service for an invaliding award.

### **Surviving spouse's or surviving civil partner's pensions**

- 237.** Where the officer, or soldier exercised the option to purchase an entitlement to a half rate surviving spouse's or surviving civil partner's pension for service up to 31st March 1973, the rate of surviving spouse's or surviving civil partner's pension shall be one half of the officer's, or soldier's rate of half pay, active list retired pay, retired pay or pension (including preserved pension) which was in payment at the date of death, or, where death was in service, for which he or she would have been eligible had he or she been invalided on the date of death, ignoring, subject to the exception in Article **224** of this Part, any commutation that may have been made, and applying all pensions increases appropriate to the basic rate whether or not the officer, or soldier qualified for these by virtue of age and health.
- 238.** Where no such option was exercised, the rate of surviving spouse's or surviving civil partner's pension shall be one third of the officer's, or soldier's rate of half pay, active list retired pay, retired pay or pension (including preserved pension) for service prior to 1st April 1973, and one half for service thereafter. The rate shall be calculated as in Article **237** of this Part.



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- 239.** Where the pension is calculated by reference to the spouse's or civil partner's service invaliding retired pay or pension, the element in the spouse's award which is the result of the special invaliding enhancement will attract a half rate surviving spouse's or surviving civil partner's pension. The enhancement is the difference between the rate of invaliding retired pay or pension and a rate calculated at 3 per cent for officers and 2.75 per cent for soldiers of the maximum rate of retired pay or pension for their rank for each year of reckonable service.
- 240.** Where, as a result of invaliding, an officer or soldier was entitled to Service Attributable Retired Pay or Service Attributable Pension under Articles **46** or **46A**, or **150** or **150A**, but his death is not attributable to service so that no attributable family pension is payable under Article **256** or **256A**, the rate of any surviving spouse's or surviving civil partner's pension payable will be based on any service including retired pay or pension for which the officer or soldier may have been eligible.
- 241.** Where the officer or soldier dies in service having given less than the minimum two years of qualifying service for an invaliding award, the surviving spouse or surviving civil partner may be awarded a pension of one half of the total pension benefits earned as at the date of the serviceman's death. The pension is to be based on the total contracted-out service given by the deceased and calculated at the preserved pension rate. Irrespective of the length of service given by the officer or soldier, an eligible child may be granted a pension under Article **242(c)**.

**Children's pensions**

**242.** Children's pensions may be awarded as follows:

- a. where there is a surviving spouse's or surviving civil partner's pension in payment, an amount equal to one half of the officer's or soldier's retired pay or pension entitlement may be divided equally among the eligible children, with no one child receiving more than one quarter of the entitlement;
- b. where there is no surviving spouse's or surviving civil partner's pension in payment and none of any eligible children is in the care of a parent or step parent, an amount equal to the officer's or soldier's retired pay or pension entitlement may be divided equally among the eligible children, with no one child receiving more than one third. Otherwise the award to each child shall be limited as under (a) of this Article;
- c. where the officer or soldier dies in service, the children's pensions will be calculated under sub- Articles (a) and (b) of this Article as though he or she had given a minimum of 5 years of reckonable service and where the officer or soldier has given more than 5 years reckonable service, the pension will be calculated by reference to the service actually given. No minimum qualifying period for invaliding benefits is required.

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**Gratuities**

- 243.** Irrespective of length of service, where a regular officer (including a Short Service Commission Officer) or soldier dies while serving on full pay on the Active List, the surviving spouse or surviving civil partner may be granted a gratuity equal to the terminal grant or gratuity for which the officer or soldier would have been eligible had he or she been non-attributably invalided on the date of death, or if greater, twice the full career rate of retired pay or pension appropriate to the officer's or soldier's rank for invaliding purposes.
- 244.** Where a regular officer or soldier who has retired with retired pay or been discharged to pension, or has been invalided with invaliding retired pay or pension or with invaliding gratuity, dies within one year of retirement or discharge, the surviving spouse or surviving civil partner may be awarded a gratuity equal to the difference between the gratuity which would have been payable if the officer or soldier had died in service on the day of retirement or discharge, and the amount of terminal grant or gratuity and any sum raised by commutation which he or she received.
- 245.** Where a gratuity or other non-effective benefit was being repaid by a regular officer, or soldier that previous service might reckon for pension or in order to purchase an enhanced pension entitlement for a surviving spouse or surviving civil partner in respect of service before 1st April 1973, and the repayment was uncompleted at death, the outstanding amount may be recovered from a gratuity payable under Article **243** or **244** of this Part.
- 246.** Where the regular officer or soldier did not leave a surviving spouse or surviving civil partner eligible for an award under this Section but a child or children, the Defence Council may award a gratuity to the child or children. The total award shall equal that which would have been payable to a surviving spouse or surviving civil partner eligible for an award under this Part, and shall be divided equally among the eligible children.
- 247.** For the purpose of Article **246** of this Part eligible children are defined as in Article **222** of this Part.
- 248.** Reserved.
- 249.** Gratuities in respect of children may be issued to the surviving spouse or surviving civil partner or mother or father of the child, or other person responsible for the child's maintenance, or the child direct, as may be decided. The gratuity may, where appropriate, be issued in instalments or withheld for later payment. A gratuity or the proportion of gratuity for which a child is eligible shall not be withheld beyond the age at which eligibility for a child's pension ceases, or age 18, whichever is earlier. The gratuity or proportion of gratuity shall be increased by relevant pensions increases from the date of the officer's or soldier's death until the date of payment, or the child's 17th birthday, whichever is earlier.
- 250.** Where a Regular officer or soldier dies in service and no eligible surviving spouse or surviving civil partner, or children are left, a sum equal to the

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gratuity payable under Article **243** of this Part may be paid to the estate of the deceased.

**251.** Gratuities payable under Article **250** of this Part may be abated in respect of any public or service debt.

**251A.** Where the officer or soldier dies in service after having opted not to be a member of the Armed Forces Pension Scheme, the award of a gratuity to the surviving spouse or surviving civil partner will be restricted to the terminal grant or gratuity for which the officer or soldier would have been eligible had he or she been non attributablely invalided on the date of death.

**Awards where the officer or soldier died in retirement with a future entitlement to a preserved pension**

**252.** Subject to the restriction in Article **212** of **Section 13** of this Part, and to the conditions of **Section 14** of this Part, the provisions of Article **253** below shall apply to surviving spouses, surviving civil partners and children of those Regular officers, and soldiers who died on or after 31st March 1975 with a future entitlement to a preserved pension.

**253.** Should a Regular officer, or soldier die in retirement before his or her preserved pension or terminal grant becomes payable, then long-term family pensions may be granted at the following rates:

a. *Surviving spouse's or surviving civil partner's pensions.* The appropriate fractions, as set out in Articles **237** and **238** of this Part, of the officer's or soldier's initial pension assessment, as enhanced by all relevant pensions increase measures introduced between the date of retirement and the date of death.

b. *Children's pensions*

(1) Where there is a surviving spouse's or surviving civil partner's pension in payment, an amount equal to one-half of the officer's or soldier's initial pension assessment (as enhanced by all relevant pensions increase measures) may be divided equally among the eligible children with no one child receiving more than one quarter of the officer's or soldier's pension.

(2) Where there is no surviving spouse's or surviving civil partner's pension in payment and none of any eligible children is in the care of a parent or step parent, an amount equal to the officer's or soldier's initial pension assessment (as enhanced by all relevant pensions increase measures) may be divided equally among all eligible children with no one child receiving more than one third of this amount. Otherwise the award to each eligible child shall be restricted as at (1) above.

c. *Gratuity.* On the officer's or soldier's death, the eligible surviving spouse or surviving civil partner may be awarded a gratuity equal to the preserved terminal grant. Where there is no eligible surviving

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spouse or surviving civil partner the gratuity may be divided equally among the eligible children. For the purpose of this Article, eligible children will be defined as in Article **222** of this Part. If there is no eligible surviving spouse, surviving civil partner or eligible children, a payment equal to the preserved terminal grant may be made to the estate of the deceased. The value of the preserved terminal grant shall be the initial assessment of the award as enhanced by all relevant pensions increase measures introduced between the the scheme member's date of retirement and the date of death.

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**Section 15D—Attributable Long-Term Family Pensions and Gratuities for the Eligible Survivors of Those Who gave Service After 31st March 1973**

**254.** The provisions of this Section apply:

- (a) except as provided for in sub-paras (c) or (d), to the eligible survivors of male regular officers and soldiers who gave pensionable service on or after 31 March 1973;
- (b) except as provided for in sub-paras (c) or (d), to the eligible survivors of regular female officers and soldiers who gave pensionable service on or after 1 October 1987;
- (c) to the survivors, eligible by virtue of a civil partnership, of regular officers and soldiers of either sex who gave pensionable service on or after 1 October 1987; and
- (d) to the surviving eligible partners of regular officers and soldiers of either sex who gave pensionable service on or after 5 December 2005.

**Surviving Eligible Partners**

**254A.** A surviving eligible partner shall not be precluded from receiving benefits under this Section by virtue of the fact that an award has not been made under the Service Pensions Order.

**255.** Reserved.

**Attributable family pensions**

**256.** This article applies where an officer or soldier dies on or before 31st March 2004.

- a. Where an officer or soldier dies in service from causes accepted by the Veterans Agency as attributable to or hastened by service, his eligible survivors may be awarded an attributable family pension at the discretion of the Defence Council at the rates given in **Tables 37, 38 or 40, Appendix VIII**.
- b. Where an officer or soldier dies in retirement or after discharge from causes accepted by the Veterans Agency as attributable to or hastened by service, his eligible survivors may be awarded an attributable family pension at the discretion of the Defence Council as follows:
  - (1) if the officer or soldier was attributably invalided, at the rate of attributable family pension current at the date of the officer's or soldier's invaliding, enhanced by all relevant pensions increase measures introduced between that date and the date of death;
  - (2) if the officer or soldier was non-attributably invalided, or retired or was discharged for a reason other than invaliding, or if his death did not result from the cause of his invaliding from ser-

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vice, the Defence Council may at their discretion decide to make an award of attributable family pension under this section, rather than the normal entitlement under **Section 15C**. If an attributable pension is paid under this section, it will be at the rate current at the date of the officer's or soldier's invaliding, discharge or retirement, enhanced by all relevant pensions increase measures introduced between that date and the date of death.

- c. Where the officer's or soldier's marriage or civil partnership took place after retirement or discharge, or where the officer's or soldier's eligible partnership was formed after retirement or discharge, the rate of attributable long term family pension payable under sub article b above will be based only on that part of the officer's or soldier's service given on or after 6th April 1978.

**256A.** This article applies where an officer or soldier dies on or after 1st April 2004.

- a. Where an officer or soldier dies in service and a war pension is paid in respect of his death under Article **29** of the Service Pensions Order and where the death was from causes accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly hastened by service, his eligible survivors may be awarded an attributable family pension at the discretion of the Defence Council at the rates given in **Tables 37, 38 or 40, Appendix VIII**.
- b. Where an officer or soldier dies in retirement or after discharge and a war pension is paid in respect of his death under Article **29** of the Service Pensions Order, and where the death was from causes accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly hastened by service, his eligible survivors may be awarded an attributable family pension as follows:
  - (1) if, prior to his death, the officer or soldier had been entitled to Service Attributable Retired Pay or Service Attributable Pension under Articles **46 or 46A, or 150 or 150A**, at the rate of attributable family pension current at the date of the officer's or soldier's invaliding from service, enhanced by all relevant pensions increase measures introduced between that date and the date of death;
  - (2) if the officer or soldier was non-attributably invalided, or retired or was discharged for a reason other than invaliding, or if his death did not result from the cause of his invaliding, the Defence Council may at their discretion decide to make an award of attributable family pension under this section, rather than the normal entitlement under **Section 15C**. If an attributable family pension is paid under this section, it will be at the rate current at the date of the officer's or soldier's invaliding, discharge or retirement, enhanced by all relevant pensions increase measures introduced between that date and the date of death.



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- c. Where the officer's or soldier's marriage or civil partnership took place after retirement or discharge, or where the officer's or soldier's eligible partnership was formed after retirement or discharge, the rate of attributable long term family pension payable under sub article b. above will be based only on that part of the officer's or soldier's service given on or after 6th April 1978.
- 257.** Reserved.
- 258.** Where civilian occupational pension scheme benefits are received as a result of the officer's or soldier's death, an attributable family pension will be reduced to take account of these benefits. Where the civilian pension scheme pays a pension plus a lump sum of six times the annual rate of the surviving spouse's, surviving civil partner's or surviving eligible partner's pension, any attributable family pension will be reduced by the amount of the civilian pension awarded. Otherwise, the amount of the civilian pension awarded will, before the reduction is made, be adjusted to the rate it would be were the civilian pension scheme one which paid such a lump sum in addition to a pension.
- 258A.** An award of attributable family pension made under Article **256** or **256A** to the eligible survivors of an officer or soldier who opted out of the Armed Forces Pension Scheme, will be reduced by the amount of any benefits payable under an officer's or soldier's personal pension plan. If, however, there is an entitlement to an award of non-attributable family pension the attributable family pension will be paid at the rate of the non-attributable family pension they are otherwise entitled to, if this is more favourable.
- 259.** If the officer's or soldier's surviving spouse, surviving civil partner, surviving eligible partner or other dependent receives any compensation and/or damages in respect of the officer's or soldier's death, the attributable family pension payable under this Section will be adjusted according to the amount of the compensation and/or damages received. Compensation and damages for these purposes includes sums received in pursuance of a court order, or by way of settlement of any proceedings.
- 260.** A non-attributable family pension will not be payable in addition to an attributable pension.
- 261.** The date of commencement of an attributable family pension shall be the later of the day after any Short Term Family Pension under Section 15B ceases, and the date on which a war pension paid under Article **29** of the Service Pensions Order in respect of the same death commences (in accordance with the rules on commencement set out in that Order), unless the Defence Council considers there are circumstances justifying special consideration. If, in the case of surviving eligible partners, no Short Term Family Pension, or war pension under the Service Pensions Order, is paid, the Attributable Long Term Family Pension is payable from the date on which a claim is submitted under the terms of this Section.
- 261A.** Rank for the purpose of the award of attributable family pensions shall be the rank for invaliding purposes.

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### Attributable gratuities

**262.** Where a male officer or soldier dies in service on or after 31st March 1986, or a female officer or soldier dies in service on or after 1st October 1987, from causes accepted by the Veterans Agency as being attributable to service, a gratuity may be paid to the eligible surviving spouse, surviving civil partner or surviving eligible partner at the rates specified in **Appendix VIII, TABLES 23b, c, and 38**, less any benefits received from the officer's or soldier's pension plan. This award shall be in addition to any gratuity which is payable by virtue of Articles **243** to **251A**.

**262A.** Where an officer or soldier dies in service on or after 1st April 2004 and a war pension is paid in respect of his death under Article **29** of the Service Pensions Order and where the death was from causes accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly hastened by service or where benefit is payable in respect of his death under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004), a gratuity may be paid to the eligible widow or widower at the rates specified in **Tables 41, 42 or 43, Appendix VIII**, less any benefits received from an officer's or soldier's personal pension plan. This award shall be in addition to any gratuity which is payable by virtue of Articles **243** to **251A**."

**262B.** Where there is no eligible surviving spouse, surviving civil partner or surviving eligible partner the gratuity as set out in Article **262A** may be divided equally among the eligible children. For the purpose of this Article, eligible children will be defined as in Article **222**.

### Temporary Allowance

**263.** Where an award of Temporary Allowance for surviving spouse or surviving civil partner is made by the Veterans Agency for the first 26 weeks of bereavement, payment of any short-term family pension, non- attributable long-term family pension or attributable long- term family pension is deferred until the 27th week of bereavement, unless the Veterans Agency War Widow's pension, under Article **29** of the Service Pensions Order, plus the short-term family pension, non- attributable long-term family pension or attributable long – term family pension is more beneficial than the Temporary Allowance. Where this occurs, a supplementary award equal to the shortfall will be made.

**264.** The minimum rate of widows pension payable shall be as follows:

<i>Rank of Service spouse or Service civil partner<sup>9</sup></i>	<i>Annual rate of pension from 11th April 2005</i>
<i>Officers (other than Maltese personnel)</i>	£
Field Marshal	10,330.38
General	8,829.40
Lieutenant General	7,326.47
Major General	6,324.89

<sup>9</sup> Army Order 52 of 1971



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Brigadier	5,322.87
Colonel	4,721.46
Lieutenant Colonel	3,918.47
Major	3,118.28
Captain and below	2,518.52

*Weekly rate of pension from 11th April 2005*

*Soldiers (other than Maltese personnel)*

£

Warrant Officer, Class I	28.81
Warrant Officer, Class II	26.50
Staff Sergeant	24.52
Sergeant	21.30
Corporal and below	16.07

*Annual rate of pension from 11th April 2005*

*Officers (Maltese units)*

£ Maltese

Lieutenant Colonel	3,040.06
Major	2,655.18
Captain	2,154.12
Lieutenant	2,078.48

*Weekly rate of pension from 11th April 2005*

*Soldiers (Maltese units)*

£ Maltese

Warrant Officer, Class I	23.09
Warrant Officer, Class II	21.29
Staff Sergeant	19.74
Sergeant	16.95
Corporal and below	12.74

**265.** Reserved.

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## **Section 15E—Attributable Long-Term Family Pensions and Gratuities for the eligible survivors of individuals who are recalled for service**

**266A.** The provisions of this Section apply to:

- a. except as provided for in sub-paras (c) or (d), to the eligible survivors of male ex-regular officers and soldiers who have a recall liability under Part VII of the Reserve Forces Act 1996, or its predecessors, who gave pensionable service on or after 31 March 1973;
- b. except as provided for in sub-paras (c) or (d), to the eligible survivors of ex-regular female officers and soldiers who have a recall liability under Part VII of the Reserve Forces Act 1996, or its predecessors, who gave pensionable service on or after 1 October 1987;
- c. to the survivors, eligible by virtue of a civil partnership, of ex-regular officers and soldiers who have a recall liability under Part VII of the Reserve Forces Act 1996, or its predecessors, of either sex who gave pensionable service on or after 1 October 1987; and
- d. to the surviving eligible partners of ex-regular officers and soldiers who have a recall liability under Part VII of the Reserve Forces Act 1996, or its predecessors, of either sex who gave pensionable service on or after 5 December 2005;

irrespective of their length of service.

**266B.** Where an officer or soldier dies on or before 31 March 2004 from causes accepted by the Veterans Agency as attributable to or hastened by a period of recalled permanent service, his eligible survivors may be awarded an attributable family pension at the discretion of the Defence Council at the rates given in **Tables 37, 38 or 40, Appendix VII.**

- 266C.**
- a. Where an officer or soldier dies on or after 1 April 2004 and a war pension is paid in respect of his death under Article **29** of the Service Pensions Order and where the death was from causes accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly hastened by a period of recalled permanent service, his or her eligible survivors may be awarded an attributable family pension at the discretion of the Defence Council at the rates given in **Tables 37, 38 or 40, Appendix VIII.**
  - b. A surviving eligible partner shall not be precluded from receiving benefits under this Section by virtue of the fact that an award has not been made under the Service Pensions Order.

**266D.** An award under Article **266B** or **266C** will be reduced by:

- a. any family pension awarded under Section 15C or 15D; and
- b. any family pension benefits payable in respect of any previous period of Full Time Reserve Service under section 24 Reserve Forces Act 1996, or in respect of any previous period of Additional Duties Commitment service under section 25 Reserve Forces Act 1996; and

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- c. any benefits under an occupational pension scheme, a retirement annuity scheme or personal pension scheme awarded in respect of the death of the soldier as a result of a period of recalled service. The abatement in respect of a civilian personal or occupational pension or retirement annuity scheme will be determined in accordance with the following formula:

$$\frac{0.75(A+B)}{24}$$

where

A = the surviving spouse's, surviving civil partner's or surviving eligible partner's civilian pension

B = the surviving spouse's, surviving civil partner's or surviving eligible partner's civilian lump sum

- d. For the purposes of sub article c. above, the amount of civilian pension benefits which may be taken into account where the occupational pension scheme or personal pension scheme is one which pays a pension plus a lump sum of six times the annual rate of the surviving spouse's, surviving civil partner's or surviving eligible partner's pension will be reduced by the amount of the civilian pension awarded. Otherwise, the amount of the civilian pension awarded will, before the reduction is made, be adjusted to the rate it would be were the civilian pension scheme one which paid such a lump sum in addition to a pension.

**266E.** If the officer's or soldier's surviving spouse, surviving civil partner or surviving eligible partner or other dependent receives any compensation and/or damages in respect of the officer's or soldier's death, the attributable family pension payable under this Section will be adjusted according to the amount of the compensation and/or damages received. Compensation and damages for these purposes includes sums received in pursuance of a court order, or by way of settlement of any proceedings.

**226F.** a. The date of commencement of an attributable long-term family pension shall be the later of the day after the death of the officer or soldier, the date on which a war pension paid under Article 29 of the Service Pensions Order in respect of the same death commences (in accordance with the rules on commencement set out in that Order), or the day after the last day of payment of any short-term family pension the eligible surviving spouse, eligible surviving civil partner, eligible partner or eligible child or children qualify for:

- (1) under Section 15B arising from a previous period of service by the soldier; or
- (2) in respect of any previous period of Full Time Reserve Service under section 24 Reserve Forces Act 1996; or
- (3) in respect of any previous period of Additional Duties Commitment service under section 25 Reserve Forces Act 1996.

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- b. If, in the case of surviving eligible partners, no Short Term Family Pension or war pension is paid under Article 29 of the Service Pensions Order, the Attributable Long Term Family Pension is payable from the date on which a claim is submitted under the terms of this Section.
- 266G.** If the short-term family pension referred to in Article **266F** is more beneficial than the long-term family pension under Article **266B** or **266C**, this may be paid. In such a case, the payment of the long-term family pension under Article **266B** or **266C** will commence the later of the day after the death of the officer or soldier, the date on which a war pension paid under Article **29** of the Service Pensions Order in respect of the same death commences (in accordance with the rules on commencement set out in that Order) or the day after the last day of payment of any short-term pension.
- 266H.** A non-attributable family pension will not be payable in addition to an attributable pension.
- 266I.** Where a surviving spouse, surviving civil partner or surviving eligible partner is awarded an attributable family pension under Article 266B or 266C or where benefit is payable in respect of his death under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004), a gratuity may be paid to the eligible surviving spouse or surviving civil partner at the rates specified in **Tables 41, 42 or 43, Appendix VIII.**
- 266J.** Where there is no surviving spouse, surviving civil partner, or surviving eligible partner, eligible for an award under the provisions of Article **266B** or **266C** above, but an eligible child or children, a gratuity may be awarded at the discretion of the Defence Council to the child or children (as defined in Article **222**) at the rates specified in **Tables 41, 42 or 43, Appendix VIII.** The total award shall be divided equally among the eligible children.
- 266K.** Where an individual dies on or after 6th April 2004 and the death is accepted by the Defence Council, on the balance of probabilities, as attributable to or hastened by his period of recalled service, and he leaves neither an eligible surviving spouse, eligible surviving civil partner, surviving eligible partner nor any eligible children an attributable death in service gratuity may be paid. This sum will be equal to twice the annual rate of full career pension for his or her rank, less any death in service lump sums received from the soldier's civilian pension schemes. Any public debts outstanding at the time of death in service will also be recoverable from the gratuity."
- 266L.** For the avoidance of doubt, no attributable long term family pension under this Section is payable to the surviving spouse, surviving civil partner, surviving eligible partner or child of a deceased officer or soldier where that survivor is entitled to the payment of benefit under the Armed Forces Compensation Scheme (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same officer's or soldier's death.
- 267.** Reserved.

## Part 5

# Special Widows' Pensions

### Section 16

#### Definition

**268A.** A special widow's pension means a pension awarded in respect of the service of a soldier of non-commissioned rank, whose unit was based in the United Kingdom or in Malta (including a soldier appointed to an Emergency Commission on or after 3rd September 1939) to a widow who is eligible for a family pension under the provisions of Section 13 or the provisions of any Royal Warrant preceding the Army Pensions Warrant 1977.

#### General conditions

**268B.** For a widow to be eligible for the award of a special widow's pension the following conditions must be satisfied:

- a. The husband was in receipt of, or was eligible for, a Service pension, or a pension which included a service element or Service retired pay as an Emergency Commissioned Officer, awarded under a Royal Warrant administered by the Army Council or, where he died while serving, would have been eligible for such an award if he had been invalided out of the Service on the day he died.
- b. The widow is not in receipt of a war widow's pension.
- c. The widow had married the soldier prior to his discharge to pension or, if he subsequently gave further service in circumstances rendering him eligible for reassessment of Service pension, before termination of such further service. If the death of the husband in respect of whose service the pension is claimed occurred within a year of the applicant's marriage to him, the Defence Council may withhold or reduce the award otherwise payable.
- d. The widow did not remarry after the death of the soldier. However if she did remarry and the marriage comes to or has come to an end, an award may be made in whole or in part provided the widow's pecuniary circumstances are such, in the opinion of the Defence Council, as to justify such award.
- e. The widow is not living with a man as his wife. However, if she is living with a man as his wife but later ceases to do so, an award may be

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made at the discretion of the Defence Council under the conditions referred to at d. above.

**Cessation of pension on remarriage**

**268C.** A special widow's pension shall cease from the date when a widow remarries or lives with a man as his wife; but if the marriage has come to an end or the widow has ceased living with a man as his wife the Defence Council may restore the pension in whole or in part under the conditions set down in Article 268B(d).

**Refusal of pension when separated**

**268D.** a. A special widow's pension shall not, subject to any exception which the Defence Council may approve, be awarded to a widow who was separated from her husband at the time of his death.

b. If an exception is approved the pension shall be at such rate and subject to such conditions as the Defence Council may determine.

**Refusal to award pension**

**268E.** a. A special widow's pension shall not, subject to any exception which the Defence Council may approve, be awarded if the service of the soldier was, in the opinion of the Defence Council, unsatisfactory.

b. If an exception is approved, the pension shall be at such a rate and subject to such conditions as the Defence Council may determine.

**Suspension or diversion of pension**

**268F.** In exceptional circumstances the Defence Council may withhold the whole or part of a special widow's pension and may divert such pension in whole or in part for purposes which may be deemed beneficial to the pensioner or to any person dependent on the pensioner.

**Reduction of pension where other public pension is payable**

**268G.** If the widow is awarded any other pension or allowance from the public on account of the services of the deceased, whether in the Army or in any other capacity the amount of any such other grant may be taken into consideration and the special widow's pension may be withheld or reduced at the discretion of the Defence Council.

**Date of commencement**

**268H.** The date of commencement of a special widow's pension shall be 12th November 1979 or,

a. the day after the death of the soldier, or

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- b. the day after the end of the period covered by the final payment of pension to the deceased soldier, or
- c. the day following cessation of temporary allowance awarded by the Veterans Agency because of the husband's severe disability (a supplement may be paid to ensure that the allowance is no less than her pension income would have been)

whichever is the later and provided the application is not unduly delayed.

**Rank for purposes of award**

**268J.** The rank of the husband for the purpose of assessing a special widow's pension shall be the highest paid rank held for a period of two years or more during the five years Colour Service preceding the termination of full pay service. In the case of a soldier who was invalided from the Service the pension may, if more advantageous, be assessed on his substantive rank at the time his Colour Service ended.

**Rates of pension**

**268K.** The rates of special widows' pensions shall be:

	If husband's unit was based in the United Kingdom	<i>From 11th April 2005</i>
	<i>Rank of husband</i>	<i>£ per week</i>
	Commissioned Officer or Warrant Officer Class I	28.81
	Warrant Officer Class II	26.50
	Staff Sergeant	24.52
	Sergeant	21.30
	Corporal or below	16.07
	<b>If husband's unit was based in Malta</b>	<i>Maltese £ per week</i>
	Commissioned Officer or Warrant Officer Class I	23.09
	Warrant Officer Class II	21.29
	Staff Sergeant	19.74
	Sergeant	16.95
	Corporal or below	12.74

**Death of applicant**

**268L.** If an applicant for a special family pension dies before establishing a claim to pension, arrears of pension shall not be paid to the applicant's estate, subject to any exception which the Defence Council may approve.





## Part 6

# Attributable Benefits for ex-Regulars Recalled for a Period of Permanent Service

### Section 17—Officers, Warrant Officers, Non-Commissioned Officers and Privates

#### Eligibility

**269A.** Eligibility for the award of attributable invaliding benefits under the provisions of this section is limited to ex-Regular officers and soldiers recalled for a period of permanent service under Part VII of the Reserve Forces Act 1996, or its predecessors. For the avoidance of doubt, an officer or soldier is not entitled to attributable benefits under this Part if he is entitled to the payment of benefit under the Armed Forces Compensation Scheme 2005 (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004) in respect of the same condition.

#### Conditions of Award

**269B.** In this section, a reference to a ‘degree of disability’ means the assessment of the degree of disablement made by the Veterans Agency in accordance with Article 9 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 in respect of any injuries or conditions which directly resulted in the individual being invalided from service.

**269C.** This article applies where the officer’s or soldier’s disability arises on or before 31st March 2004. Officers may be awarded Service Attributable Retired Pay and soldiers may be awarded a Service Attributable Pension under the provisions of Article **269E** or **269H** provided that:

- a. they gave recalled permanent service on or after 1st April 1973 and were invalided from that service as a result of a disability; and
- b. that disability is accepted by the Veterans Agency as attributable to or aggravated by their service and they have been awarded a war pension under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 in respect of that disability which takes effect from a date no later than the day following the end of the period of recalled permanent service; and

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- c. the degree of disability (as defined in Article **269B**) in respect of that disability is 20% or more.

**269D.** This article applies where the officer's or soldier's disability arises on or after 1st April 2004. Officers may be awarded Service Attributable Retired Pay and soldiers may be awarded a Service Attributable Pension under the provisions of Article **269E** or **269H** provided that:

- a. they are invalided from a period of recalled permanent service as a result of a disability arising on or after 1 April 2004; and
- b. they have been awarded a war pension under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 in respect of that disability which takes effect from a date no later than the day following the end of the period of recalled permanent service; and
- c. the degree of disability (as defined in Article **269B**) in respect of that disability is 20% or more; and
- d. the Defence Council is satisfied that, on a balance of probabilities, that disability is attributable to or to a significant extent aggravated by their period of service and was the cause of invaliding.

**269E.** Where an officer or soldier is no longer able to follow his civilian occupation as the result of the disability, unless the Defence Council decides otherwise the Higher Rate of Service Attributable Retired Pay or Service Attributable Pension may be awarded according to rank for invaliding purposes and degree of disability, at the minimum rates set out in **Appendix VIII, Table 16** for officers and **Table 32** for soldiers. Such an award will be reduced by:

- a. any benefits payable under this order in respect of the officer's or soldier's regular service; and
- b. any pension benefits payable in respect of any previous period of Full Time Reserve Service under section 24 Reserve Forces Act 1996 or in respect of any previous period of Additional Duties Commitment service under section 25 Reserve Forces Act 1996; and
- c. any benefit under an occupational pension scheme, a retirement annuity scheme or personal pension scheme awarded as a result of termination of civilian employment on account of the disability for which attributable benefits are payable; and
- d. from the date they come into payment, any preserved benefits under an occupational pension scheme, a retirement annuity scheme or personal pension scheme where, by reason of the disability, the benefits have become payable at an earlier date than would otherwise have been the case.

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- 269F.** The abatement in respect of a civilian personal or occupational pension or retirement annuity scheme will be determined in accordance with the following formula:

$$\frac{0.75(A+B)}{12}$$

where

A = the civilian pension

B = the civilian lump sum

- 269G.** For the purposes of Article **269F**, the amount of civilian pension benefits which may be taken into account where the occupational pension scheme or personal pension scheme is one which pays a pension plus a lump sum of three times the annual rate of pension will be the amount of civilian pension awarded. In other cases the amount of civilian pension awarded will be adjusted before being taken into account to the rate it would be, were the civilian pension scheme one which paid a lump sum equal to three times the annual rate of pension.
- 269H.** If the officer or soldier is able to follow his civilian occupation, unless the Defence Council decides otherwise, the lower rate of Service Attributable Retired pay or Service Attributable Pension may be awarded according to the degree of disability but irrespective of rank, as set out in **Appendix VIII, Table 16A** for officers and **Table 32A** for soldiers.
- 269I.** Where the officer or soldier is in receipt of a civilian occupational pension which is taken into account in the assessment of the award of Service Attributable Retired Pay or Service Attributable Pension under Article **269E** or **269H**, the increases due under pensions increase measures will be applied to the gross amount of the Service Attributable Retired Pay or Service Attributable Pension before deduction of the civilian occupational pension. The current rate of civilian pension, including any annuitised lump sum, plus any increase given by the Department of Work and Pensions on any Guaranteed Minimum Pension element of the civilian pension, will then be deducted from the rates of Service Attributable Retired Pay or Service Attributable Pension as increased by pension increase measures. Where, however, the civilian pension is an official pension which is increased by virtue of section 59 of the Social Security Pensions Act 1975, pension increase measures will be applied only to the net amount of Service Attributable Retired Pay or Service Attributable Pension in payment unless an annuitised lump sum has featured in the calculation.
- 269J.** An award under Article **269E** or **269H** may not be commuted.
- 269K.** Where an officer or soldier is invalided wholly or partly as a result of his own negligence, misconduct or other matter within his own control, any award of Service Attributable Retired Pay or Service Attributable Pension under Article **269E** or **269H** may be withheld or reduced to the extent that the Secretary of State decides is appropriate.
- 269L.** Where an officer or soldier receives any compensation for any disability which led to him being awarded benefits under Article **269E** or **269H**, an

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adjustment may be made to the excess of the minimum rate of Service Attributable Retired Pay or Service Attributable Pension over the appropriate rate of Service Invaliding Retired Pay or Service Invaliding Pension at the discretion of the Defence Council.

- 269M.** If an award of unemployability supplement under Article 18 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 is made to an officer or soldier during the first 12 months following his invaliding, or following the date of a determination of attributability by the Veterans Agency if later, any award at the minimum rate of Service Attributable Retired Pay or Service Attributable Pension will be abated by the amount of the supplement, but will not be reduced below the rate of Service Invaliding Retired Pay or Service Invaliding Pension to which the soldier may otherwise be eligible under Article **45** or **149**.
- 269N.** Where the officer or soldier is awarded Service Attributable Retired Pay or Service Attributable Pension under Article **269E** or **269H**, the award will be adjusted upwards or downwards (but not below the rate of Service Invaliding Retired Pay or Service Invaliding Pension to which he may otherwise be eligible under any other Section) during the first 12 months following invaliding, according to the degree of disability. Thereafter the award will be adjusted only if the degree of disability rises or when it falls below 20 per cent. Where the Service Attributable Retired Pay or Service Attributable Pension is to be adjusted, the new rate will be paid from the day following the adjustment to the degree of disability, and will be the rate appropriate to the new degree of disability according to the pension code in force on the date the individual was invalided, increased as appropriate by any applicable pensions increase measures. Payment of Service Attributable Retired Pay or Service Attributable Pension will cease where the degree of disability falls below 20 per cent. However, in such a case payment of Service Retired Pay or Service Pension or, Service Invaliding Retired Pay or Service Invaliding Pension may continue where the officer is eligible.
- 269O.** The higher rate of Service Attributable Retired Pay or Service Attributable Pension may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in Article **269E**, **269I**, **269K**, **269L**, **269M** and **269N**.
- 269P.** The lower rate of Service Attributable Retired Pay or Service Attributable Pension may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in Article **269K**, **269L**, **269M** and **269N**.
- 269Q.** A rating or other rank who is awarded the higher rate of Service Attributable Retired Pay or Service Attributable Pension under Article **269E** may be awarded the higher rate of attributable gratuity at the rates set out in **Appendix VIII, Table 20** for officers or **Table 35** for soldiers.
- 269R.** A rating or other rank who is awarded the lower rate of Service Attributable Retired Pay or Service Attributable Pension under Article **269H** may be awarded the lower rate of attributable gratuity at the rates set out in **Appendix VIII, Table 20A** for officers or **Table 35A** for soldiers.

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- 269S.** The grant and the amount of any Higher or Lower Service Attributable Retired Pay or Service Attributable Pension or Attributable Gratuity shall be at the discretion of the Defence Council.



## Part 7

### Non-Europeans

#### Section 18—Service, Disability and Death Awards for Non-Europeans in Malaysia and Singapore

**270.** This section applies to non-European officers locally commissioned on short service commissions and to non-European soldiers locally enlisted in Malaysia and Singapore for service in the Army.

##### Disability and death awards

**271.** Officers and soldiers whose disabilities are due to service and the widows, children, parents and other dependants of officers and soldiers whose deaths are due to service may be granted pensions and other awards under the conditions of the Federation Army (Retired Pay, Pensions, Gratuities and other Grants) Regulations 1961 at the rates which came into force on 1st January 1960. Awards for which no provision is made under the Royal Warrant of 19th September 1964 (Cmd.2467 as amended) will be made only at the discretion of the Defence Council.

**272.** An award under Article **271** may be increased by the cost of living allowance provided in Article **273** subject to the conditions of Articles **273** to **275**.

##### Cost of living allowance

**273.** Cost of living allowance at the rates shown below shall be added to and assessed on the total of all retired pay and pensions awarded under this section, exclusive of any portion of such an award which has been commuted.

The rate of cost of living allowance shall be:

a. *Dependants rate:*

<i>Total monthly awards (Malaysian dollars)</i>	<i>Monthly addition (Malaysian dollars)</i>
1–6	10.00 + 30 per cent of basic awards
7–82	10.60 + 20 per cent of basic awards
83–257	13.88 + 16 per cent of basic awards
258–330	55.00
331	54.50 and reducing by 50 cents for each additional dollar in excess of 331 until
440 and over	Nil

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b. *Non-dependants rate:*

<i>Total monthly awards (Malaysian dollars)</i>	<i>Monthly addition (Malaysian dollars)</i>
1-6	10.00 + 30 per cent of basic awards
7-82	10.60 + 20 per cent of basic awards
83-132	13.88 + 16 per cent of basic awards
133-269	35.00 and reducing by 50 cents for each additional dollar in excess of 269 until
339 and over	Nil

**274.** Cost of living allowance will be awarded at the dependant's rate, except that the non-dependant's rate will be awarded if the pensioner is

- a. unmarried, or
- b. a widower without dependent children, or
- c. in receipt of a disability or dependant's pension.

**275.** For the purpose of Articles **273** and **274** a child:

- a. means a child under 17 years of age, who, if female, is unmarried;
- b. includes an illegitimate child, a step child and an adopted child;
- c. may include a child age 17 years or more provided:
  - (1) the Defence Council consider the family circumstances merit an award and
  - (2) the child is receiving full time education or is an apprentice in receipt of nominal wages or is prevented from earning a living by reason of a mental or bodily infirmity which occurred before attaining 17 years of age.

**276.** With effect from 1st August 1973 awards under Article **271**, including the cost of living addition under Article **273** and any award of service retired pay or service pension granted under Article **253** or **256** of the Army Pensions Warrant 1960 may be increased by 20 per cent.

**277.** With effect from 1st October 1973, awards under Article 271 and any award of service retired pay or service pension granted under Article **253** or **256** of the Army Pensions Warrant 1960 including cost of living allowance and the increase under Article **276**, may be increased as follows:

<i>Total pension per month (including additions and increases under Articles <b>273</b> and <b>276</b>)</i>	<i>Increase per month (Malaysian dollars)</i>
300 and below	30
301 to 400	20
401 to 500	15



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Where a widow is in receipt of a child's pension in addition to her widow's pension only one increase shall be paid.

- 278.** In no circumstances may an award under Article **271** and **273** as increased under Article **267** and **277** exceed similar provisions of the Royal Warrant of 19th September 1964 (cmd.2467).
- 279.** With effect from 1st July 1977 awards under Article **271**, including the cost of living addition under Article **273**, and any award of service retired pay or service pension granted under Article **253** or **256** of the Army Pensions Warrant 1960 may be increased by 20 per cent.
- 280.** Where a widow's pension is in payment as described in paragraph 4(b) of **Appendix X**, an additional special payment may be made to the widow at the discretion of the Defence Council if it is accepted that she is a permanent resident in the United Kingdom and her husband's last day of service was prior to 31st March 1973. Where such payment is approved it shall be at the rate and subject to the provision as to the date of commencement, as are specified at paragraphs **5** and **6** of **Appendix X**.
- 281–300.** Reserved.



## Part 8

# Army Careers Officers

### Section 19—Army Careers Officers

- 301.** An Army careers officer who is employed in military service under conditions which do not render him eligible for a non-effective award for such service under the provisions of **Part 2** of this Warrant or for the Superannuation Act 1972 and who was in post on or after 6th April 1978, will on retirement at age 60 or above, be awarded a pension and a lump sum under the following conditions.
- 302.** Pensions will be assessed at the rate of 1/80th of the officer's salary and pensionable emoluments in whichever period of 12 consecutive months during the last three years of reckonable service gives the highest figure, multiplied by the length of reckonable service and will be payable for life. The maximum pension rate payable is 40/80ths of such salary and emoluments.
- 303.** A lump sum will be payable in addition to pension, calculated at 3/80ths of the officer's salary and pensionable emoluments, multiplied by the length of reckonable service. The maximum lump sum payable is 120/80ths of the officer's salary and pensionable emoluments.
- 304.** An Army careers officer with 2 or more years reckonable service whose service terminates before he reaches pension benefit age will be awarded a preserved pension and lump sum. These will be brought into payment when he reaches pension benefit age, and will be calculated in the way described in Articles **302** and **303**. Previous service as an Army careers officer, in respect of which a pension or preserved pension was not awarded may reckon if the break in employment did not exceed six months. Preserved benefits cannot be assigned except that they may be surrendered on subsequent re-employment as an Army careers officer so that the member receives one benefit covering both periods of service.
- 305.** Reserved.
- 306.** If the services of an Army careers officer end before pension benefit age and he has not completed 2 years reckonable service a Contributions Equivalent Premium (CEP) will be paid from Defence Funds to the State Scheme. This payment will extinguish any accrued right to a Guaranteed Minimum Pension (GMP) and any accrued contingent entitlement to a widow's GMP described in Article **336**.

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**307.** Reserved.

**308.** Reckonable service for the purpose of determining entitlement to gratuity or pension, etc under Articles **301** and **302** shall be as follows prior to 1st June 1972:

- a. All continuous paid service as an Army careers officer (unless employed as an Army careers officer whilst on termination leave from the Army, when service will reckon from the day following retirement from the Army).
- b. All continuous paid service as an officer of the non- regular permanent staff of the TAVR or of the Royal Irish Regiment (Home Service (Full Time)).
- c. If service has not been continuous, the following provisions apply:
  - (1) No account will be taken of service preceding an interval of three years or more in which there was no service.
  - (2) No account will be taken of service terminated by voluntary resignation unless:
    - (a) A gratuity was awarded, or could have been awarded in respect of that service and any gratuity paid is refunded (see sub para d. below), or
    - (b) The officer is re-employed within 31 days of resignation.
- d. *Refund of gratuities.* If an officer who has received a gratuity in respect of former AGO or TA service is re-employed within three years he may refund the gratuity within two years of his re-employment so that his earlier service may be aggregated with his current service for future award. Alternatively he may, on becoming pensionable, at the discretion of the Ministry of Defence, be given a further option to refund and in the event it may be possible to offset any lump sum payable as a consequence against the refund required. The amount to be refunded is to be increased by 2 per cent for each completed year in excess of seven between the last day of service in respect of which the gratuity to be refunded was awarded and the date of opting to refund.

**309.** From 1st June 1972, only continuous service including continuous paid service as an officer of the non-regular permanent staff of the TAVR and of the permanent cadre of the UDR (now known as the Royal Irish Regiment) will reckon except where such UDR/Royal Irish Regiment service has been allowed to reckon towards a pension granted under the provisions of the Armed Forces Pension Scheme.

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- 310.** Reckonable service is counted in years and fractions of a year with each completed day after a whole number of years counting as 1/365th of a further year.

**National insurance retirement benefit-abatement from pensions**

- 311.** When the officer reaches State pension age his/her pension will be subject to a deduction of £1.70 per annum in respect of each year of reckonable service and so in proportion for any period of less than a year, to take some account of the retirement pension payable under the National Insurance Acts. The total reduction may not exceed £7.75 a year or the amount that would result from the exclusion from pensionable pay of 1½ times the lower earnings limit which was in force at the time to which the pensionable pay relates, should this be lower.

- 312.** When the officer reaches State pension age his/her pension will be reduced to take account of the graduated national insurance pension. An officer not contracted out of the Graduated Pensions Scheme for any part of his reckonable service will have his pension reduced by the amount of pension earned by participating graduated contributions of:

- a. 4¼ per cent of earnings between £9 and £15 a week from 3rd April 1961 to 31st May 1963.
- b. 4¼ per cent of earnings between £9 and £18 a week from 1st June 1963 except that there will be no reduction if the graduated pension earned by these contributions is £5.20 a year or less.

There will be no reductions for graduated pensions earned by contributions paid during “contracted out” service or which are in addition to those payable under the National Insurance Act of 1965.

**Retirement on medical grounds**

- 313.** An officer with five or more years reckonable service who is retired on medical grounds may be paid an ill health pension and lump sum. These will be assessed in accordance with Articles **302** and **303**. Reckonable service of between 5 and 20 years will be enhanced in accordance with the following table or by whatever lesser period would provide the amount of reckonable service the officer would have achieved by remaining in service until pension benefit age.

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<i>Actual service</i>	<i>Service for invaliding pension purposes</i>
5 years or more ... ..	10 years
6 years or more ... ..	10½ years
7 years or more ... ..	11¼ years
8 years or more ... ..	12 years
9 years or more ... ..	12½ years
10 years or more ... ..	13¼ years
11 years or more ... ..	14 years
12 years or more ... ..	14½ years
13 years or more ... ..	15¼ years
14 years or more ... ..	16 years
15 years or more ... ..	16½ years
16 years or more ... ..	17¼ years
17 years or more ... ..	18 years
18 years or more ... ..	18½ years
19 years or more, but less than 20 years ... ..	19¼ years
Actual service of 20 years or more will not be enhanced.	

**314.** An officer retired on ill-health grounds with at least 2 but less than 5 years reckonable service will receive an immediate award of pension and lump sum based on actual reckonable service only, i.e. no enhancement of service is made. However, notwithstanding the general rule that enhancement is only applicable where an officer is medically retired with 5 or more years reckonable service, where an officer is medically retired at or after the minimum retiring age with less than 5 years reckonable service his/her service for the purposes of invaliding pension may be increased to double its length up to a maximum of 10 years reckonable service.

**315.** In all cases of retirement on medical grounds the Ministry of Defence will have discretion to treat the retirement as a resignation if the officer made a false declaration about his health, or deliberately suppressed a material fact when applying to join as an Army careers officer.

**Death benefits**

**316.** a. If an officer dies in service after 1st January 1993 a death benefit may be paid to the person nominated by him to receive it, or (in the absence of a valid nomination) to his legal personal representative.

The award will be the greater of:

- (1) Two years' salary and pensionable emoluments in whichever period of 12 consecutive months in the last three years of reckonable service gives the highest figure; or
- (2) The lump sum that would have been paid if he had retired on medical grounds at the date of death.

b. If an officer who has been awarded a preserved pension and lump sum dies before they come into payment, a death benefit equal to the

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preserved lump sum may be paid to the person nominated by him/her for a death benefit under a (1) or (2).

**Widows and family benefits**

- 317.** When an officer has completed at least 2 years reckonable service and dies during service, the widow may be paid the lump sum under Article 316 and will be paid a proportion of the pension that would have been payable under Article 313 as if the officer had retired on medical grounds on the date that death occurred. One third of the husband's pension will be payable to the widow in respect of that part of the husband's service prior to 1st April 1973, and one half of the husband's pension will be payable in respect of service on or after 1st April 1973. Article **327** overrides this Article as regards service before 6th April 1978.
- 318.** In addition, a further pension of one quarter of the man's pension will be payable in respect of each dependent child up to a maximum of two children. Motherless children will each receive one third of their fathers' pension subject to a maximum of two children. Where there are more children than the maximum and they are living in separate households, the total children's pension may be divided at the direction of the Defence Council.
- 319.** On the death of a pensioner his widow will be awarded a pension of between one third and one half of her husband's pension, the proportion being calculated as in Article **317**. Article **327** overrides this Article as regards service prior to 6th April 1978.
- 320.** On the death of an officer in service or in retirement with pension, the widow, provided she is otherwise eligible, may receive a short term family pension made up to the level of her husband's pay on the day he died, or to the level of his pension as appropriate for a period of 91 days, after which the normal family pension will be paid. Short term family pensions will be paid regardless of length of reckonable service. A widow whose husband dies with less than 2 years service may have her short term family pension extended for a further 46 days (after the initial 91 days) if she has one eligible child in her care and for a further 91 days (after the initial 91 days) if she has two or more eligible children in her care.
- 321.** On the death of an officer whose preserved pension has not come into payment, the widow will be awarded a pension of between one third and one half of the pension which would have been awarded to her husband, the proportion being calculated as in Article **317**, and a pension in respect of a dependent child or children may be awarded in accordance with Article **318**. Article **327** overrides this Article as regards service prior to 6th April 1978.

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- 322.** a. The pension under Article **317**, **319** or **321** will be paid from the day after the date of termination of any short term pension until the death of the widow unless she remarries or lives with a man as his wife when the pension will cease. However where the officer retires or dies in service on or after 6th April 1978 the pension will not cease if:
- (1) Being under the age of 60 the widow continues to receive any of the benefits specified under Section 36(6) of the Social Security Pension Act 1975.
  - (2) The widow is aged 60 or over when she remarries or lives with a man as his wife. The award will be restricted however to the rate of any guaranteed minimum pension applicable to service before 6 April 1997.
- b. If the second marriage has come to an end or the widow ceases to live with a man as his wife the pension may be restored in whole or in part provided the widow's pecuniary circumstances are such, in the opinion of the Ministry of Defence, as to justify the restoration.

Any part of the pension in respect of service after 5th April 1978 will be restored if the said Social Security benefits are restored.

- 323.** The rate of widow's pension will be not less than 5/8 per cent of pensionable pay for each year of service after 5th April 1978.
- 324.** When a female officer dies in circumstances in which the child of a male officer would have been granted family benefits, the Ministry of Defence will consider what award, if any, is considered appropriate.
- 325.** If a widow was not married to the officer before his retirement, or if he subsequently gave further service in circumstances rendering him eligible for reassessment of pension, before termination of such further service, it is a condition that she is also eligible for a State Scheme widow's pension or retirement pension and the pension under Article **317**, **319** or **321** will be in respect of service after 5th April 1978.
- 326.** If the death of the officer occurred within a year of his marriage, the Ministry of Defence, in the light of the circumstances of the case, may withhold or reduce the award otherwise admissible in respect of service prior to 6th April 1978.
- 327.** A widow's pension in respect of service prior to 6th April 1978 shall not, subject to any exception which the Ministry of Defence may approve, be awarded to a widow who was separated from her husband at the time of his death.
- 328.** If an exception is approved, the pension shall be at such a rate (within the amounts otherwise payable) and subject to such conditions as the Ministry of Defence may determine.



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- 329.** A child for the purpose of these regulations shall mean:
- a. A legitimate child of the officer.
  - b. A stepchild of the officer who was mainly dependent on him at the time of his death.
  - c. A child adopted by the officer or his wife, before his retirement, who was mainly dependent upon him at the time of his death.
  - d. A child mainly dependent upon the officer before his retirement, who was adopted by the officer or his wife after his retirement, provided that the Ministry of Defence are satisfied that the officer had formed the intention of adopting the child before retirement and that the child was mainly dependent upon him at the time of his death.
  - e. An illegitimate child of the officer, or his wife, born before retirement, provided that, where the child is the illegitimate child of the wife, the wife married the officer before his retirement.

In the case of sub paras a. and b. it is a condition that the child's mother married the officer before his retirement. In the case of sub para c. and d. it is a condition that the child's mother by adoption married the officer before his retirement.

- 330.** Pensions to children will normally cease when the child attains the age of 16 years. But they may be awarded or continue after this age if the child is receiving full time education or is an apprentice receiving no more than nominal wages.

**Suspension of pensions**

- 331.** In special circumstances the Ministry of Defence may at their discretion suspend or withhold the whole or any part of a pension in respect of service prior to 6th April 1978 and they may divert the whole or any part for the benefit of persons dependent upon the pensioner. This Article overrides Article 4 as regards this part of the Schedule.

- 332.** a. Subject to the provisions of this Article, the Ministry of Defence will have power to withhold benefits payable under this Section where an Army careers officer or former Army careers officer is convicted:
- (1) Of one or more offences under the Official Secrets Act 1911 to 1939 for which the person concerned has been sentenced to a term of imprisonment of at least 10 years, or has been sentenced on the same occasion to two or more consecutive terms amounting in the aggregate to at least 10 years; or
  - (2) Of an offence in connection with his employment as an Army careers officer, being an offence which is certified by the Secretary of State for Defence to have been gravely injurious to the defence, security or other interest of the State. Before ben-

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efits may be thus forfeited, the person concerned will be entitled to appeal against the forfeiture to an independent board nominated by the Ministry of Defence; and, where an appeal is made, the Ministry of Defence will accept the board's judgment on whether or not the appellant's pension benefits should be forfeited.

- b. Forfeiture of pension benefits where a person is convicted of treason is provided for in the Forfeiture Act 1870.

**333.** Where forfeiture of a member's guaranteed minimum pension is permitted by Article **322**, any prospective surviving spouse's or surviving civil partner's guaranteed minimum pension may also be forfeited.

**334.** During any period in which a pensioner is, in the opinion of the Secretary of State, unable to act by reason of mental disorder or otherwise it shall be permissible to divert any pension payable in accordance with this part, or such part of such pension as appears necessary for his care and maintenance, to his spouse or civil partner, son, daughter or any other person in whose care he may be or who may be responsible for the cost of his care and maintenance. Where only part of the pension is so diverted the balance shall be held for the pensioner until he is able to act or, as the case may be, for his estate.

**335.** During periods of imprisonment or detention in legal custody of the pensioner it shall be permissible to divert any pension payable in accordance with this part to one or more of the pensioner's dependants as the Secretary of State may in his discretion determine.

#### **Social Security Pensions Act 1975**

**336.** The words and expressions used in this Article have the meanings prescribed in the Social Security Pensions Act 1975. This rule shall apply if any employment of persons to whom this scheme applies becomes contracted out of employment by reference to this scheme and this rule overrides any other provisions of these rules which are inconsistent with it, apart from the provisions of Articles **332a(1)** and **b** and **333** to **335**.

Notwithstanding anything to the contrary in this part, if an Army careers officer has a Guaranteed Minimum Pension (GMP) under Section 35 of the Social Security Pensions Act 1975,

- a. He shall, subject to this Article and Articles **301** and **306** be paid for life a pension upon attaining pensionable age unless his accrued rights thereto are extinguished by an election under Section 42(2) of that Act;
- b. The weekly rate of pension payable from age 65 in the case of a man and from age 60 in the case of a woman will not be less than any guaranteed minimum; and

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- c. In the case of an Army Careers Officer who dies at any time and leaves a surviving spouse or surviving civil partner, the weekly rate of pensions payable to the surviving spouse or surviving civil partner under this scheme will not be less than half the guaranteed minimum.

If the payment of any GMP is postponed for any period, it will be increased to the extent, if any, specified in Section 35(6) of the Social Security Pensions Act 1975, as amended from time to time.

**Redundancy compensation terms**

**337.** An Army careers officer retired prematurely on redundancy will receive the same superannuation benefits under Article **304** or **305** as if he had retired voluntarily. Where an officer is aged 40 or over when he retires, for the purposes of both the preserved pension and associated lump sum the following increase may be made in his reckonable service.

- a. If he is aged 45 or over it may be increased by  $6\frac{2}{3}$  years, subject to the limit that the increased benefits may not exceed the benefits that he would have earned (assuming no pay increases apart from incremental increases due in his current grade) if he had stayed in Service until the retiring age,
- b. If he is aged 44 it may be increased by  $5\frac{1}{3}$  years.
- c. If he is aged 43 it may be increased by 4 years.
- d. If he is aged 42 it may be increased by  $2\frac{2}{3}$  years.
- e. If he is aged 41 it may be increased by  $1\frac{1}{2}$  years.

except that in all cases reckonable service may not be increased to more than double its length.

Where he last entered employment as an Army careers officer before 6th April 1978 and is aged 40 or over when he is retired or where he last entered employment as an Army careers officer on or after 6th April 1978 and is aged 50 or over when he is retired the lump sum (increased to the extent specified above) may, notwithstanding Article **304** be paid immediately rather than when he reaches the retiring age. Where he last entered employment as an Army careers officer on or after 6th April 1978 and is aged 40 or over but under 50 when he is retired a proportion of the lump sum may be paid immediately, which proportion shall be calculated by multiplying the lump sum (increased to the extent specified above) by A/B, where:

- a. A is the increase in his reckonable service granted under sub paras a. to e. above.
- b. B is his total reckonable service including that increase.

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The remainder of the lump sum will be preserved for payment when he attains the age of 55, unless he makes a request no later than three months after his 50th birthday that it should be paid to him at that time.

- 338.** In addition to the superannuation benefits described in Article **337** of officers retired on redundancy may receive compensation payments as follows:
- a. An officer with five or more years qualifying service who is age 40 or over may be paid an annual compensation payment equal to the preserved pension under Articles **304** and **337**. This will come into payment immediately and will continue until he reaches the retiring age, when the preserved pension comes into payment. Subject to Article **339**, he may also be paid a lump sum compensation payment equal to six months pensionable pay. He may opt to commute into a lump sum as much of the annual compensation payment as will give a total lump sum payments (including the payment of six months pensionable pay and the lump sum under Article **304**) of two years pensionable pays for the purposes of commutation the appropriate table drawn up by the Government Actuary's Department will be used. If after commutation the annual compensation payment amounts to less than £52, this also must be commuted.
  - b. An officer with at least one but less than five years qualifying service, or with five or more years qualifying service but who is under the age of 40, may receive a compensation payment (subject to Article **339**) calculated as follows:
    - (1) One month's pensionable pay multiplied by the length of his reckonable service; plus
    - (2) One month's pensionable pay multiplied by the length of his reckonable service given after the date of completion of five years reckonable services plus
    - (3) One month's pensionable pay multiplied by the length of his reckonable service given after his 35th birthday.
- 339.** For an officer who is within three years of the retiring age when he is prematurely retired on redundancy, the lump sum compensation pay under Article **338** (excluding any lump sum resulting from commutation of an annual payment) will be reduced by  $\frac{1}{6}$ th for each half-year of service (counting any part of a half-year as a full half-year) within three years of retiring age.
- 339A.** When calculating the short-term family pension payable to widows in accordance with Article **320** the reference therein to the husband's pension will be taken to include a reference to the annual compensation payment mentioned in Article **338a**.
- 339B.** In all cases of Army careers officers retired on redundancy, the amount of superannuation benefit and compensation under Articles **337** and **338** shall, if it is less in value than the redundancy payment which would, but for sec-

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tion 16(4) of the Redundancy Payments Act 1965, have been payable under that Act, be made up to that value.

**339C.** Where an officer receiving an annual compensation payment under Article 338a is subsequently re-employed as an Army careers officer, a member of the retired officer class of the Civil Service, or a member of the non-regular permanent staff of the Territorial and Army Volunteer Reserve, the annual payment will be abated as follows:

- a. If the officer is re-employed in a grade the same as, equivalent to or higher than his grade on retirement, the whole of his annual compensation payment will be suspended from the date of re-employment.
- b. If the officer is re-employed in a lower grade, or in a part-time capacity, the annual compensation payment (including any increase) will be reduced, from the date of re-employment, to the amount by which his annual pensionable pay on the last day of his earlier service exceeds his salary on his first day of re-employment.
- c. If during his period of re-employment the officer changes from full-time to part-time work, or works part time and changes the number of hours he works, the amount of abatement will be increased or decreased by the amount of increase or decrease in his annual rate of salary resulting from the change, except that:
  - (1) If the change results in an increase in salary, and before the change he was receiving the whole of his compensation payment, or
  - (2) If the change results in a decrease in salary, and before the change the whole of his compensation payment was suspended, or
  - (3) If the change results in a return to the grade held immediately before retirement, or its equivalent,

he will be treated for the purpose of this rule only as having been newly re-employed on the date of the change.

**339D.** Where an officer who received a lump sum compensation payment under Article 338a or 338b is re-employed as in Article 339C, part of that payment will be recovered if the period between the date of premature retirement and the date of re-employment is less than the notional period represented by the compensation payment in terms of months of pensionable pay. The amount to be recovered will be the amount corresponding to the difference between these two periods, and recovery will be made by deductions of not less than one quarter of net salary on re-employment.

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**339E.** Where an officer is re-employed as an Army careers officer or as a member of the non-regular permanent staff of the Territorial and Army Volunteer Reserve, before the retiring age, he may opt, at the time of his final retirement or (if earlier) at the time when the pension is due to come into payment, to be treated in one of the following ways:

- a. His previous reckonable service (excluding any enhancement under Article **337**) is counted with his service during re-employment for a single award based on annual pensionable pay at final retirement, with this service enhanced by the smaller of:
  - (1) The original enhancement (if any) under Article **337**.
  - (2) The actual period between the earlier retirement and the date of re-employment.

The lump sum, proportion of lump sum, or short service payment paid at his earlier retirement will be deducted from the lump sum payable at final retirement.

- b. His earlier annual payment (if any) is retained, subject to abatement under Article **339C**, and his service during re-employment reckons towards a second pension or short service payment. If, however, the enhancement of reckonable service under Article **337** exceeds the period between the date of premature retirement and the date of re-employment, his reckonable (but not his qualifying) service in the second period of employment will be reduced by the amount of the excess.

If the officer dies during the period of re-employment, he will be treated in whichever of these two ways produces (or would produce) the larger widow's or family pension under Articles **316** to **329**.

**339F.** The rules given in Article **339E** do not apply to officers re-employed as retired officers, as service as an Army careers officer and as a retired officer cannot be aggregated for pension or gratuity purposes.

## Part 9

# Redundancy—Compensation Terms

### Section 20—General Provisions

- 340.** This part of the Warrant applies only to officers and soldiers of the Regular Army who are based in the United Kingdom, including members of Queen Alexandra's Royal Army Nursing Corps. The term "soldier" includes all personnel other than commissioned officers.
- 341.** This part of this Warrant shall have effect from 1st April 1992. Article **342A** shall only apply to any officer of the rank of Brigadier or above who is compulsorily retired on or after 18 July 2001. In relation to any period before that date, Article **343** shall have effect as if it applied to all regular, special regular or late entry short service officers, irrespective of their rank.
- 342.** Reserved
- 342A. Special capital payments to Brigadiers and above**
- a. An officer of the rank of Brigadier or above may be awarded a special capital payment if he is retired under Article **252** or **253** of the Army Pay Warrant 1964 before his normal retirement date.
  - b. In this Article and Article **344**, the reference to a person's normal retirement date is to
    - i where a person concerned has made an election under Article **249** of the Army Pay Warrant 1964, the date to which the officer is authorised to serve under that Article: or
    - ii in any other case, the date on which he attains the normal age for retirement as determined in accordance with Article **247** of that Warrant.

### Section 21—Officers

- 343. Special capital payments to Colonels and below.** A regular, special regular or late entry short service officer of the rank of Colonel and below who is specially and prematurely retired as part of the planned reduction of the Army may be granted a special payment in addition to any other award for which he may be eligible under this Warrant.



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- 344.** The amount of special capital payment shall be as set out in the following tables:

*Table I—Officers with at least 13 years qualifying service*

<i>Uncompleted portion of career to normal retiring age (Note 1)</i>	<i>Special Capital Payment (Note 2 and 3)</i>
5 years or more ... ..	18 months pay
4 years... ..	15 months pay
3 years... ..	11 months pay
2 years... ..	7 months pay
1 year ... ..	3 months pay
less than 1 year ... ..	See Note 4

*Note 1*

The reference in Table 1 to normal retirement date shall, in the case of a special regular or late entry short service officer, have effect as a reference to the run out date for the period of engagement for which the officer was committed on the date of his retirement.

*Note 2*

The payments shown are for whole years of uncompleted service. Each further calendar month of uncompleted service will attract a payment of  $\frac{1}{12}$  th of the extra compensation for a further whole year of uncompleted service subject to a maximum of 18 months pay.

*Note 3*

Where an officer who is awarded a special capital payment under Article **342A** has the right to a full career pension, the amount of special capital payment is subject to the limit imposed by Article **344A**.

*Note 4*

For periods of less than 1 year, each complete calendar month will attract a payment of  $\frac{1}{12}$  th of the compensation for 1 year of uncompleted service.



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*Table II—Officers with 12 but less than 13 years qualifying service*

<i>Years of qualifying service</i>	<i>Special Capital Payment (Note 5)</i>
12 years ... ..	15 months pay

*Note 5*

The payment shown is for whole years of qualifying service. Each further calendar month of service will attract a payment of  $\frac{1}{12}$  th of the extra compensation for a further complete year of service subject to a maximum of 18 months pay.

*Table III—Officers with less than 12 years qualifying service*

<i>Years of qualifying service</i>	<i>Special Capital Payment (Note 6)</i>
11 years ... ..	19 months pay
10 years ... ..	17 months pay
9 years ... ..	15 months pay
8 years ... ..	14 months pay
7 years ... ..	12 months pay
6 years ... ..	10 months pay
5 years ... ..	9 months pay
4 years ... ..	7 months pay
3 years ... ..	5 months pay
2 years ... ..	3 months pay
1 year ... ..	1 months pay

*Note 6*

The payments shown are for whole years of qualifying service. Each further calendar month of qualifying service will attract a payment of  $\frac{1}{12}$  th of the extra compensation for a further complete year subject to a maximum of 19 months pay.

**344A.** Where an officer who is awarded a special capital payment under Article **342A** has completed 34 years reckonable service on the date of his retirement (and is therefore entitled to a full career pension), the special capital payment payable to him shall not exceed 6 months pay.

**345.** Special capital payments shall be assessed as follows:

- a. Pay shall be the rate in issue on the last day of full pay service or, if more favourable, the rate appropriate to the paid acting rank held on conclusion of the last appointment before retirement, excluding all forms of additional pay and allowances in either case.
- b. A months pay shall be calculated by multiplying the daily rate by 365 and dividing by 12.

**345A.** Special capital payments to Officers serving on Short Service Commissions:

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- a. In the event of premature termination of service owing to redundancy, an officer serving on a short career commission (other than a late entry short service officer) will, in addition to the gratuity or preserved pension due in respect of the period of service actually completed, be awarded a tax-free Special Capital Payment calculated on the following basis:
  - (1) One month's pay for each year completed; or
  - (2) One month's pay for each year by which service is shortened plus one month's pay.whichever is the less.
- b. For each further calendar month in addition to full years of completed or uncompleted service, an adjustment will be made of one-twelfth of the difference if any between the payment for the completed years and the payment for the next complete year.
- c. In cases where there is less than one year of completed or uncompleted service and in addition to the provision of paragraph a. (II) of this Article each complete calendar month will attract a payment of  $\frac{1}{12}$  th of the compensation rate for one year.
- d. Payments under sub-paragraphs (1) and (II) of this Article will be assessed in accordance with Article **345**.

**346. Retired pay and terminal grants.** A regular, special regular or short service late entry officer who receives a special capital payment under Article **342A** or **343** may, in addition to that payment, be granted an award as follows:

- a. If he/she has completed 16 or more years reckonable service-retired pay and terminal grant assessed under **Section 2**.
- b. If he/she has completed 12 years' qualifying service but less than 16 years' reckonable service-retired pay and terminal grant assessed as a proportion of the 16 year rate of retired pay for his rank under **Section 2** according to the length of his/her reckonable service.
- c. If he/she has completed 2 years reckonable service but less than 12 years qualifying service-a preserved pension and terminal grant.

The rank on which these awards are based shall be the substantive rank held on retirement; or if more favourable, the rank determined by Articles **36** to **37** of Part 2.

Part 9—Soldiers

**Section 22—Soldiers**

- 347.** Special capital payments. A soldier in receipt of Scale C pay and serving on an engagement on completion of which he would have been eligible for pension and terminal grant under Articles **136, 138 to 146** and **TABLE 15 and 32, Appendix VIII**, or a soldier in receipt of Scale C pay and serving on any other type of engagement who would on completion of that engagement have had, with previous service, at least 17 years reckonable service and provided there is no evidence that he would not have engaged to qualify for a pension may, on transfer to the Regular Reserve or discharge in consequence of the reduction in the Army, be granted a special capital payment in accordance with the following tables.

*Table I—Soldiers with at least 16 years qualifying service*

<i>Period of uncompleted service</i>	<i>Special Capital Payment (Note 1)</i>
5 years or more ... ..	18 months pay
4 years ... ..	15 months pay
3 years ... ..	11 months pay
2 years ... ..	7 months pay
1 year ... ..	3 months pay
less than 1 year ... ..	see Note 2

*Note 1*

The payments shown are for complete years of uncompleted service. Each further calendar month of uncompleted service will attract a payment of  $\frac{1}{12}$ th of the extra compensation for a further whole year of uncompleted service subject to a maximum of 18 months pay.

*Note 2*

For periods of less than 1 year, each completed calendar month will attract a payment of  $\frac{1}{12}$ th of the compensation for 1 year of uncompleted service.

*Table II—Soldiers with 12 but less than 16 years qualifying service*

<i>Period of completed service</i>	<i>Special Capital Payment (Note 3)</i>
15 years... ..	15 months pay
14 years... ..	15 months pay
13 years... ..	13 months pay
12 years... ..	13 months pay

*Note 3*

The payments shown are for complete years of service. Each further calendar month of service will attract a payment of  $\frac{1}{12}$ th of any extra compensation for a further complete year of service subject to a maximum of 18 months pay.

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*Table III—Soldiers with less than 12 years qualifying service*

<i>Years of completed service</i>	<i>Special Capital Payment (Note 4)</i>
11 years ... ..	19 months pay
10 years ... ..	17 months pay
9 years ... ..	15 months pay
8 years ... ..	14 months pay
7 years ... ..	12 months pay
6 years ... ..	10 months pay
5 years ... ..	9 months pay
4 years ... ..	7 months pay
3 years ... ..	5 months pay
2 years ... ..	3 months pay
1 year ... ..	1 months pay

*Note 4*

The payments shown are for complete years of service. Each further calendar month of service will attract a payment of  $\frac{1}{12}$ th of the extra compensation for a further complete year of service subject to a maximum of 19 months pay.

**348.** A soldier who does not qualify for a special capital payment under the terms of Article **347** may, on transfer to the Regular Reserve, or discharge in consequence of the reduction of the Army, be granted a tax-free special capital payment as follows:

- a. One month's pay for each year of service completed, or
- b. One month's pay for each complete year by which service is shortened plus one month's pay,

whichever is the less.

For each further calendar month of service in addition to the full years of completed or uncompleted service an adjustment will be made of  $\frac{1}{12}$ th of the difference, if any, between the payment for the complete years and the payment for the next complete year.

In cases where there is less than one year of completed or uncompleted service and in addition to the provisions of paragraph b. of this Article, each complete calendar month will attract a payment of  $\frac{1}{12}$ th of the compensation rate for one year.

**349.** Special capital payments shall be assessed as follows:

- a. Pay shall be at the rate of pay in issue on the last day of full pay service, or if more favourable, the rate appropriate to the paid acting rank held on conclusion of the last appointment before discharge. Length of service increments will be included but all other forms of additional pay and allowances will be excluded.

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- b. A months pay shall be calculated by multiplying the daily rate by 365 and dividing by 12.

**350. Pensions and terminal grants.**

A soldier who is eligible for a special capital payment under Articles **347** or **348** may, in addition be granted an award as follows:

- a. If he/she has completed at least 22 years reckonable service – pension and terminal grant assessed under **Part 3**.
- b. If he/she has completed 12 but less than 22 years' reckonable service – pension and terminal grant assessed as a proportion of the 22 year rate of pension for his/her rank under **Part 3** according to the length of his/her reckonable service.
- c. If he/she has completed 2 years reckonable service but less than 12 years qualifying service-a preserved pension and terminal grant.

The rank on which these awards are based shall be the substantive rank held at the time of discharge or, if more advantageous, the highest paid rank held for a period of 2 years or more during the last 5 years' of service preceding discharge. Should 2 years' service not have been served in the highest paid rank during the previous 5 years then the regulations in Article **143** shall apply in cases of redundancy as they would for cases of normal discharge.



## Part 10

# Additional Voluntary Contributions

### Section 23

- 351.1.** An officer or soldier (hereafter referred to as Servicemen) of the British Army may make additional voluntary contributions to obtain enhanced benefits provided that he is in service to which the pension arrangements contained in this Warrant apply in accordance with **Part 1A**. The facilities available are set out in paragraphs 351.3 to 351.45 below.
- 351.2.** For the purpose of paragraphs 351.3 to 351.45, below the term military salary shall be taken to mean the daily rate of pay for the rank and length of service in that rank plus the daily rate of any long service increment multiplied by 365 or 366 in a leap year). Representative pay should be taken to mean the rate of pay upon which the normal rates of Armed Forces Pension Scheme pension/retired pay are calculated.

### Purchase of Added Years

- 351.3.** Servicemen may, at the discretion of, and at rates agreed from time to time by, the Secretary of State for Defence, and in accordance with Inland Revenue rules, buy additional years of service (hereafter referred to as added years) provided that:
- a. service was given on or after 31st March 1980;
  - b. the Serviceman is a member of the Armed Forces Pension Scheme and paying National Insurance contributions at the contracted-out rate;
  - c. pensionable service commenced 9 or more years before the age of 55 years)
  - d. the Serviceman is not under notice of invaliding or premature retirement and there is no reason to believe that his health may prevent him from continuing in service until the completion of his commission or engagement;
  - e. the Serviceman is not serving on a Short Service Commission or a Special S-Type Engagement which commenced after 1 November 1997.
- 351.4.** Added years may be bought by regular deductions from salary commencing from the Serviceman's next birthday after the date of his option and continuing until age 55 years when deductions will cease; or by lump payment within 12 months of commencing pensionable service. In the former case,

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and subject to paragraph 5, the total annual contributions for the purchase of added years together with any other direct superannuation contribution, including Freestanding Additional Voluntary Contributions, shall not exceed 15 per cent of the contributor's annual military salary including any length of service pay.

**351.5.** For those becoming members of the Armed Forces Pension Scheme on or after 1 June 1989, total contributions may not exceed 15 per cent of the contributor's annual military salary or 15 per cent of £105,600 (or such higher figure as may be determined in accordance with the provisions of section 590 of the Income and Corporation Taxes Act 1988 as amended by Schedule 6, part 4 of the Finance Act 1989) whichever is the lesser.

**351.6.** An option to buy added years once signed and accepted is final<sup>10</sup>. Those received on or after 29th November 1985 are to include a signed declaration to the effect that the Serviceman has no reason to believe that his health may prevent him from continuing in service until the completion of his commission or engagement.

**351.7.** Added years will not count towards the minimum period of qualifying service for preserved pensions, resettlement grants, service or invaliding retired pay or pensions, but will, provided the necessary qualifying service has been given, count towards total reckonable service for preserved pensions, resettlement grants, service or invaliding retired pay or pension. Added years will also count fully towards a half-rate surviving spouse's or surviving civil partner's pension.

**351.8.** If a Serviceman leaves the Armed Forces, or dies in service, after reaching age 55, any added years purchased shall count in full as reckonable service in the calculation of retired pay or pension.

**351.9.** If a Serviceman who has bought added years by lump sum payment dies or is invalided before the age of 55 years, the reckonable service for calculating retired pay or pension shall be increased by the full amount of the added years purchased.

**351.10.** If a Serviceman leaves the Armed Forces before the age of 55 years with immediate retired pay or pension, the added years purchased shall be reduced to take account of the value of the payment of benefit before that age.

**351.11.** Where death or invaliding occurs before the age of 55 years, a person buying added years by regular deductions from salary who has already qualified for immediate pension benefits shall have his reckonable service increased as follows:

a. if the option to purchase was received before 29th November 1985 by the

$$\text{formula A} \times \frac{\text{B}}{\text{C}}$$

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<sup>10</sup> There have been some very rare exceptions. These have occurred when terms and conditions of service have been changed by the Department in such a way as to reduce the headroom for the individual to use AVCs to purchase additional benefits; and where the change has been beyond the individual's control, and was not foreseeable at the time the AVC contract was taken out.



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where A is the number of added years which the person opted to buy;

B is the period, to the nearest day, over which the person has paid contributions;

C is the total period over which the person would have paid contributions had he served to the age of 55 years;

- b. if the option to purchase was received on or after 29th November 1985, by the full amount of the added years for which he is paying periodical contributions.

**351.12.** If a Serviceman, who has purchased added years by lump sum payment, or is buying added years by regular deductions from salary, leaves the Armed Forces with a preserved pension, only the added years actually purchased to the date of discharge shall count in the calculation of the preserved pension or transfer value.

**351.13.** Where a Serviceman leaves the Armed Forces before qualifying for a preserved pension and does not request a transfer value, the contributions made shall be refunded with compound interest at 4 per cent per annum.

**351.14.** Added years shall count in full towards a half-rate surviving spouse's or surviving civil partner's pension.

**351.15.** Retired pay or pension based on added years is not commutable under the Life Commutation arrangements.

**351.16.** Added years shall have no relevance in determining age for the purpose of abating retired pay on premature voluntary retirement.

**351.17.** Any abatement to retired pay or pension shall be levied on the full value including that element which is based on added years.

**351.18.** Reserved.

**Purchase of Added Years on Return from Secondment**

**351.18A.** Those who have been serving on secondment terms with the U.N., NETMA or under similar collaborative arrangements, during which period they have been required to be members of and paid contributions to, the host organisations' pension arrangements, may on return to the Armed Forces Pension Scheme, service up to the period of their absence under the terms of Articles **351.3–351.18**.

This will be conditional upon the member repaying all of the tax free lump sum which will be paid to those who serve for less than 5 years with the host organisation. Where this is insufficient to purchase the required period of service, a top up payment may be made from the funds of the project under which the member was sponsored to cover the additional cost.

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**Enhancement of All Non-Attributable Benefits**

**351.19.** Servicemen may, at the discretion of, and at rates agreed from time to time by the Secretary of State for Defence, and in accordance with HM Revenue & Customs rules, buy an enhancement of all non-attributable benefits by the same proportion as Military salary exceeds representative rate of pay on the date of retirement provided that:

- a. service was given on or after 3rd April 1989;
- b. the Serviceman is a member of the Armed Forces Pension Scheme and paying National Insurance contributions at contracted-out rates;
- c. the Serviceman is not under notice of invaliding or premature retirement and there is no reason to believe that his health may prevent him from continuing in service until the completion of his commission or engagement;
- d. the serviceman falls into one of the categories where military salary exceeds representative rate of pay.
- e. the Serviceman is not serving on a Short Service Commission, a period of full-time reserve service or a special S-Type Engagement which commenced after 1 November 1997.

**351.20.** These enhanced benefits may be purchased by regular deduction from salary commencing from the date on which the application is received, continuing until age 55 when deductions will cease. Where service continues beyond age 55, a different rate of contribution will be payable until retirement. Subject to paragraph 21 below the total annual contributions together with any other direct superannuation contributions, including Freestanding Additional Voluntary contributions, shall not exceed 15 per cent of the contributor's annual military salary.

**351.21.** For those becoming members of the Armed Forces Pension Scheme on or after 1st June 1989, total annual contributions may not exceed 15 per cent of the contributor's annual military salary or 15 per cent of the £105,600 (or such higher figure as may be determined in accordance with the provisions of Section 590 of the Income and Corporation Taxes Act 1988 as amended by Schedule 6, part 4 of the Finance Act 1989), whichever is the lesser.

**351.22.** An application to buy these enhanced benefits once signed and accepted is final<sup>9a</sup>.

**351.23.** If a Serviceman leaves the Armed Forces, or dies in service, after reaching age 55, the enhancement to benefits will be paid in full.

**351.24.** A serviceman, who has opted to purchase Added Years, may leave the Armed Forces before age 55, having qualified for immediate payment of retired pay or pension under the normal rules shown at **Part 2** or **3** of these regulations. In such cases the defined service enhancement (expressed in years and/or days) that was otherwise due for payment to the serviceman at

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age 55, shall also be due immediately, but at a reduced rate as shown below:

- a. Where the serviceman opted to pay contributions by monthly deduction from Pay until age 55, a reduction to the agreed enhancement shall be made to take account of the reduced period, over which contributions were actually paid. Where appropriate, the reduction shall be calculated using the following formula:

$$A \times \frac{B}{C} = \text{Added Years purchased}$$

Where: A is the number of additional days that the person had opted to buy;

B is the number of completed months in the period, during which contributions were actually recovered from pay;

C is the total number of months in the period, during which the person would have otherwise made contributions, had his service terminated at age 55.

- b. A reduction to the originally agreed enhancement, or the modified entitlement at (a) above (as appropriate) shall be made to take account of the value of the payment of benefits before the normal retirement age of 55. The reduction shall be calculated using factors supplied from time to time for this purpose by the Government Actuary Department.

**351.25.** Where death in service or invaliding occurs before age 55 years, a person buying added years by regular deductions from salary and who has otherwise qualified for immediate pension benefits shall have his reckonable service increased as follows:

- a. If the option to purchase was received before 29 November 1985, by the formula shown at Article **351.24(a)** for normal early retirement or discharge.
- b. If the option to purchase was received on or after 29 November 1985, by the full amount of the added years for which the person was paying periodic contributions.

**351.26.** If a Serviceman leaves the Armed Forces with a preserved pension, the enhancement shall be reduced to take into account the period of contributory service provided for in determining the rate of contributions to be paid.

**351.27.** Where a Serviceman leaves the Armed Forces before qualifying for a preserved pension and does not request a transfer value, the contributions made shall be refunded with compound interest at 4 per cent per annum.

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- 351.28.** That part of retired pay or pension which constitutes an enhancement purchased by Additional Voluntary Contributions shall not be commutable under the Life or Resettlement Commutation arrangements.
- 351.29.** Any abatement to retired pay or pension shall be levied on the full value including that element which derives from the enhancement purchased by Additional Voluntary contributions.
- 351.30.** Where a Serviceman leaves the Armed Forces, or death in service occurs, and his military salary does not on that date exceed the representative rate of pay appropriate to his rank, no enhancement will be payable and no refund of contributions will be made though any surplus contributions on retirement may be re-deployed to enhance any surviving spouse's or surviving civil partner's benefits which become payable under the Armed Forces Pension Scheme where the HM Revenue & Customs limits on contributions and benefits would not be exceeded.

**Purchase of Additional Non-Attributable Surviving Spouse or Surviving Civil Partner Pensions**

- 351.31.** Servicemen may, at the discretion of, and at rates agreed from time to time by, the Secretary of State for Defence, and in accordance with HM Revenue and Customs rules, buy additional surviving spouse's or surviving civil partner's pensions provided that:
- a. service was given on or after 3rd April 1989;
  - b. the Serviceman is a member of the Armed Forces Pension Scheme and paying National Insurance contributions at contracted-out rates;
  - c. the Serviceman is not under notice of invaliding or premature retirement and there is no reason to believe that his health may prevent him from continuing in service until the completion of his commission or engagement;
  - d. the Serviceman is not serving on a Short Service Commission.
- 351.32.** Additional surviving spouses' or surviving civil partners' benefits shall be purchased by regular deduction from salary commencing from the date on which the application is received continuing, for officers, until retirement or other termination of services. For ratings and other ranks, who continue in Service after they have completed 22 years reckonable service, at the rate of deduction shall be revised on completion of 22 years service and continue at the revised rate until retirement. Subject to paragraph 32, the total annual contributions together with any other direct superannuation contributions, including Freestanding Additional Voluntary Contributions, shall not exceed 15 per cent of the contributor's annual military salary.
- 351.33.** For those becoming members of the Armed Forces Pension Scheme on or after 1st June 1989, total annual contributions may not exceed 15 per cent of the contributor's annual military salary or 15 per cent of £105,600 (or such higher figure as may be determined, in accordance with the provisions

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of Schedule 590 of the Income and Corporation Taxes Act 1988 as amended by Schedule 6, part 4 of the Finance Act 1989) whichever is the lesser.

- 351.34.** The additional surviving spouses' or surviving civil partners' pension payable will be the difference between the long term surviving spouses' or surviving civil partners' pension or attributable surviving spouses' or surviving civil partners' pension payable under the provision of Section IV and four-ninths of the representative rate of pay for the rank and length of reckonable service at the date of retirement or discharge or death in service, and shall be payable from the same date as the long term surviving spouses' or surviving civil partners' attributable or non-attributable pension.
- 351.35.** An application to buy additional surviving spouses' or surviving civil partners pensions, once signed and accepted is final.
- 351.36.** If a Serviceman leaves the Armed Forces, or dies in Service, after reaching age 55, the additional pension, calculated as defined in paragraph 34, shall be paid in full.
- 351.37.** Where death in service or invaliding occurs before age 55, the additional pension, calculated as defined at paragraph 34, shall be paid in full.
- 351.38.** If an officer leaves the Armed Forces before age 55, for reasons other than invaliding, with immediate retired pay, the additional pension shall be reduced to take account of the shorter period of contribution.
- 351.39.** If a Serviceman leaves the Armed Forces with a preserved pension, the additional pension shall be reduced to take account of the shorter period of contribution.
- 351.40.** Where a Serviceman leaves the Armed Forces before qualifying for a preserved pension and does not request a transfer value, the contributions made shall be refunded with compound interest at 4 per cent per annum.
- 351.41.** If a Serviceman dies and there is no surviving spouse or surviving civil partner, no refund of contributions will be made.

**Purchase of Enhanced Death in Service Lump Sum**

- 351.42.** Servicemen may, at the discretion of, and at rates agreed from time to time by, the Secretary of State for Defence and in accordance with HM Revenue & Customs rules, buy an enhanced death in service lump sum provided that:
- a. service was given on or after 3rd April 1989;
  - b. the Serviceman is a member of the Armed Forces Pension Scheme and paying National Insurance contributions at contracted-out rates;

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- c. the Serviceman is not under notice of invaliding and there is no reason to believe that his health may prevent him from continuing in service until the completion of his commission or engagement.
- 351.43.** The enhanced death in service lump sum may be purchased by regular deductions from salary commencing from the date on which the application is received by the pensions office continuing:
- a. for officers, until retirement;
  - b. for other ranks, until 22 years reckonable service has been completed unless service continues in which case a revised rate of contribution will be payable until retirement.
- 351.44.** Contributions are made on an insured basis, and will not be refunded nor will any transfer value reflect such contributions.
- 351.45.** The enhancement will be the difference between all normal Armed Forces Pension Scheme lump sums and the better of four times representative rate of pay for the rank, as at the full career point or four times actual earnings at the date of death.
- 351.46.** The Serviceman will be insured from the date on which the application form is received, and date stamped, by the pensions office.
- 351.47.** An option to buy the enhanced death in service lump sum once signed and accepted is final.

**The Payment of In-Scheme AVCs - Maternity, Adoption and Paternity Leave**

- 351.48.** AVCs will continue during any period of 'Ordinary Maternity Leave', 'Ordinary Adoption Leave' or 'Paternity Leave' and will be based on the amount of pay received. (See: Articles **33D**, **141A** and **123** for definitions of Maternity and Adoption Leave). AVCs will not continue during any period of Additional Maternity Leave, Additional Adoption Leave, Parental Leave or Prenatal Leave.

**Return to duty following a period of Maternity or Adoption Leave**

- 351.49.** Where a serviceman does not return to duty for the minimum period specified in Service regulations and a recovery of pay subsequently takes place, the excess of the contributions will be refunded, or offset against the recovery of pay, less a charge of tax.



# Part 11

## Transfer Values

### Section 24—Officers and Soldiers—General

- 352.** This section applies to soldiers and officers (other than those on gratuity earning commissions) who gave service on or after 31st March 1975, and who leave the Army without an immediate award of retired pay or pension. Subject to the general conditions set out below and to such general regulations as are agreed by the Cabinet Office for the conduct of the public sector transfer network, members of the Armed Forces Pension Scheme, as defined in **Appendix III**, paragraph 3, may apply to have their pension rights transferred to their new employer's pension scheme or to certain other approved schemes, provided that the scheme is approved for this purpose by the HM Revenue & Customs and provided that the scheme is prepared to accept the transfer value. Similarly, soldiers and officers who join or re-join the Army after having accumulated pension rights in other schemes may apply to have those rights transferred into the Armed Forces Pension Scheme, provided they apply within 12 months of joining or re-joining. The provisions of this section also apply to personnel who join or re-join the Army on Full Time Reserve Service terms and enter into a Commitment of at least two years' duration which is pensionable under the Armed Forces Pension Scheme.
- 352A.** The minimum qualifying period for the payment of a transfer value is one year of contracted-out service, for those leaving the Army before 6th April 1988. No minimum period applies to those leaving the Army on or after 6th April 1988.
- 352B.** The following conditions also apply to applications for the payment of a transfer value:
- a. Members who left service before 31st January 1979 could only apply for a transfer up to 30 September 1981. For members who left service on or after 31st January 1979 and before 1st January 1986 with an entitlement to preserved benefits, a transfer value will not be paid if the application for a transfer is made more than 6 months after the member joined his new scheme, or after 12 months of joining the new scheme if that scheme is a member of the public sector transfer network and the initial application for a transfer is made after 5th April 1988.
  - b. Where a member left pensionable service before 1st January 1986 with an entitlement to preserved benefits, a transfer value will not normally be paid if:

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- (1) the application for it is made more than 6 months after the member joined his new scheme; or
    - (2) the application is made more than 12 months after joining the new scheme if that scheme is a member of the public sector transfer network and the initial application for a transfer is made after 5 April 1988.
  - c. Where a member left pensionable service before 1st January 1986 without entitlement to preserved benefits, a transfer value will not normally be paid if:
    - (1) there is a break of more than 12 months between the two pensionable employments; or
    - (2) the application for a transfer is made more than 6 months after the member joined his new scheme.
  - d. For those leaving pensionable service on or after 1st January 1986 with an entitlement to preserved benefits, applications for transfer of such accrued rights can be accepted at any time between the date of leaving and one year before the age at which preserved benefits become available (or 6 months after leaving the Army if later).
  - e. For those leaving pensionable service on or after 1st January 1986 without entitlement to preserved benefits, a transfer value will not normally be paid if:
    - (1) there is a break of more than 12 months between the two pensionable employments; or
    - (2) the application for a transfer is made more than 6 months after the member joined his new pension scheme, if he left service before 6 April 1988; or
    - (3) the application is made more than 12 months after the individual joined his new pension scheme, if he left service on or after 6th April 1988.
- 352C.** Transfer Values for those leaving the Army will normally be calculated using age at the time of leaving and notional preserved benefits at that date assessed under Article 54 for officers, and Article 158 for soldiers. If more beneficial, requisite benefit rate calculated in accordance with **Appendix III**, paragraph 4, may be used in respect of contracted out service.
- 352D.** For those leaving the Army transfer values representing the cash equivalent of preserved benefits will be calculated and adjusted for market conditions using:
- a. tables and instructions prepared for this purpose by the Government Actuary;



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- b. the member's age at the date of receipt of his application for a transfer value; and
- c. the value of the member's preserved benefits at the date of receipt of his application for a transfer value uprated where appropriate by pensions increase measures.

**352E.** Any outstanding contributions for surviving spouse's or surviving civil partner's pension at time of transfer will be deducted from the notional surviving spouse's or surviving civil partner's element before calculation of the transfer value.

**352F.** Where a member leaves with insufficient service to qualify for a preserved pension but is awarded a gratuity (e.g. on invaliding), a transfer value may be paid provided that the gratuity is first refunded.

**352G.** A member joining the Army on or after 1st April 1975, in respect of whom a transfer payment is accepted from his former pension scheme, will be credited with reckonable service as calculated using special tables prepared by the Government Actuary which take account of the early ages at which members of the Armed Forces Pension Scheme can receive immediate retired pay or pension.

**352H.** The transfer value tables will be applied to the transfer value to give equal periods of reckonable service for personal pension, terminal grants and (for all personnel regardless of their marital or civil partnership status) half-rate surviving spouse's or surviving civil partner's pension. The length of reckonable service credited may, however, be restricted in those circumstances where the limits laid down from time to time by the HM Revenue & Customs for approved occupational pension schemes would otherwise be exceeded.

**352J.** Where the service credited is less than service actually served in the exporting scheme, the previous service will count as to its actual length for the purpose of the 2 year qualifying period for pension benefits. However, neither actual service in previous employment nor service credited will count towards the minimum period of service necessary for the award of immediate retired pay, pension, terminal grant or resettlement grant.

**352K.** Where the transferee has given previous service in the Armed Forces which has been credited to another pension scheme by means of a transfer value and the pension rights in respect of that service have been transferred back into the Armed Forces Pension Scheme (AFPS), that service will count in accordance with the normal rules towards the minimum qualifying period for payment of retired pay or pension. If, however, the pension rights in respect of previous service have not been transferred back to the AFPS, that service will not count as qualifying or reckonable service. Where the previous service has been transferred back into the AFPS the service credited from the incoming transfer value will reckon towards retired pay or pension. Where the minimum qualifying period is met but the total reckonable service including the service credited from the transfer value is less than 16

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years for an officer and 22 years for a soldier, the retired pay or pension will be awarded pro rata on the 16 or 22 year rate.

- 352L.** Guaranteed Minimum Pensions in the scheme are revalued by reference to orders issued under Section 21 of the Social Security Pensions Act 1975 or Section 148 of the Social Security Administration Act 1992 (revaluation of earnings factors). Where, a member of the Armed Forces opts on or after 1st January 1986 to have his transfer value applied to the purchase of an approved insurance policy or annuity contract, any guaranteed minimum pension benefits so transferred may be subsequently revalued by reference to the fixed rate.
- 353.** This section applies also to officers and soldiers who continue in service but opt to leave the Armed Forces Pension Scheme and transfer their residual benefits to a personal pension scheme, or who are permitted to join or rejoin the Armed Forces Pension Scheme after a period provided for under a personal pension scheme.
- 353A.** Officers and soldiers who continue in service and opt out of the Armed Forces Pension Scheme may transfer their residual benefits relating to service given on or after 6th April 1988 into a personal pension scheme. Where, however, service given before 6th April 1988 is insufficient to qualify for preserved benefits, the officer or soldier may be permitted either to transfer residual benefits for such service into a personal pension plan or be bought into the Second State Pension (formerly known as the State Earnings Related Pension Scheme). Transfer values payable under this Article will be calculated in accordance with Articles **352D** and **352L** above.
- 353B.** A serviceman who has opted out of the Armed Forces Pension Scheme, or elected not to become a member, may be allowed one subsequent opportunity to join or rejoin, subject to medical fitness and provided that application is made before he is within 6 months of reaching the age 55 subject to (e).
- a. If previous AFPS service had been transferred out of the Scheme, that and all service during which the serviceman had opted out of the Scheme may be transferred into the Scheme under the transfer rules applying at the time of transfer. All actual service may then count towards the minimum periods required to qualify for benefits under the Scheme as though that service had been entirely within the Scheme, but only service equivalent to the transfer value of the service transferred into the Scheme, plus actual service completed after the transfer, will reckon for the purpose of calculating the amounts of benefit payable. If the total of such service is less than the minimum period required to qualify for the benefit in question, the amount of benefit payable will be calculated on a pro-rata basis.
  - b. If previous AFPS service had not been transferred out of the Scheme, and service during which the serviceman had opted out of the Scheme is transferred into the Scheme, all actual service may then count towards the minimum periods required to qualify for benefits

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under the Scheme as though that service had been entirely within the Scheme, but the benefit will be calculated in two stages as follows:

- (i) according to rank and length of service prior to opting out of the scheme; and
  - (ii) according to rank and the sum of the transfer value of the service transferred into the Scheme and the actual service completed after rejoining the Scheme.
- c. If service during which the serviceman had opted out of the Scheme is not transferred into the Scheme, only service within the Scheme may count towards the minimum periods required to qualify for benefits under the Scheme, and the benefit will be calculated in two stages as previously.
- d. Where a serviceman was ineligible to join or re-join the AFPS, and subsequently becomes eligible, then provided he applies to join or re-join at the earliest opportunity, all actual service may then count both towards the minimum periods required to qualify for benefits under the Scheme and in calculating the amount of benefit payable.
- e. An officer or soldier who has a transfer value paid in accordance with Articles **352** to **352F** may not transfer back into these arrangements on or after 6th April 2005. However, this does not apply to a person who has opted to join the Armed Forces Pension Scheme 2005 (established under section 1(1) of the Armed Forces (Pension and Compensation) Act 2004), is selected for redundancy before 1st April 2008 and is permitted under the provisions of that Scheme to transfer back into the pension arrangements under this Warrant.

**354–359.** Reserved.



## Part 12

# Pensions Increase Measures

### Section 25—Introductory

**360.** The sections which follow relate to:

- a. Officers' service retired pay and the service portion of disability retired pay;
- b. As regards service after 30 March 1973, United Kingdom service invaliding retired pay and the United Kingdom service attributable retired pay;
- c. Service retired pay, and the service portion of disability retired pay, of members of the former Queen Alexandra's Imperial Military Nursing Service and of the former Queen Alexandra's Military Families Nursing Service;
- d. Soldiers' service pensions (including additions for rank and age supplements for war service);
- e. As regards service after 30th March 1973, United Kingdom service invaliding pension and United Kingdom service attributable pension;
- f. Soldiers' service allowances awarded under the Royal Warrant of the 26th August 1922 (Cmd 1752), 28th September 1923 (Cmd 1970), 25th April 1925 (Cmd 2412) and 3rd July 1925 (Cmd 2459), or under Royal Warrant amending those Warrants and in force until superseded by subsequent regulations;
- g. Service pensions of Queen's Army Schoolmistresses;
- h. Army family pension;
- i. As regards service after 30th March 1973, United Kingdom attributable family pensions;
- j.
  - (1) additional pensions for gallantry awards;
  - (2) rewards to officers;
  - (3) Meritorious Service Annuities;
  - (4) the pay, provided as a reward for distinguished military services, of Yeoman Warders of the Tower of London, except where pay

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is admissible at the rate for Yeoman Warders employed on the Active List in the Tower;

- k. Any award increased or increasable, under the Royal Warrants of the 16th August 1920 (Army Order 347 of 1920) or the 7th August 1924 (Army Order 288 of 1924) which relate to Army Pensions or under the Royal Warrants of the 26th September 1921 (Ministry of Pensions Warrant) or the 13th March 1925 (Cmd 2373) which relate to pensions administered by the Veterans Agency.
- l. *Ex gratia* payments to regular personnel and members of the Ulster Defence Regiment invalided since 1st August 1969 as the direct result of terrorist activity in Northern Ireland, and to widows and children of those killed since 1st August 1969 as the direct result of such activity.
- m. As regards service after 30th March 1975, preserved pensions and preserved terminal grants.

**361.** An award may be increased in accordance with the following sections where:

- a. in the case of an immediate pension, the pensioner has attained the age of 55 years; or in the case of a preserved pension, the pensioner has attained pension benefit age; or
- b. the pensioner is receiving the pension as the child of a deceased officer or other rank and full-time education after age 16 had not ceased before 1st December 1973; or
- c. the pensioner, on being invalided from the Army, was awarded a pension for the first or only time; or
- d. the pensioner is permanently incapacitated by physical or mental infirmity from engaging in any regular full time employment; or
- e. the pensioner is the widow or widower of an officer or soldier. (Any increase shall not be paid before 1st December 1974 to a widow under 40 years of age without eligible children).

**361A.** For the purpose of this part the “beginning date” of a pension or terminal grant is the day following the last day of service in respect of which the pension or terminal grant is payable.

**362.** In the case of

- a. pension awards under Royal Warrants governing the civil pay and pensions of retired officers appointed to the War Office for clerical duty,
- b. pension awards under the Pay Warrant 1940. Article **499**, **705**, **1127** or **1197**, or the corresponding provisions or earlier Warrants,

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- c. pensions awards to retired officers appointed to the Army Department for duty as Army careers officers and their dependants,
  - d. pension awards to non regular permanent staff of the Territorial and Army Volunteer Reserve and the Ulster Defence Regiment and their dependants, the award may be increased to the extent to which a corresponding award under the Superannuation Acts and/or the Principal Civil Service Pension Scheme 1972 would have been increasable under the provisions of the orders made under Sections 2 and 3(8) of the Pensions (Increase) Act 1971 as amended by the Superannuation Act 1972 and the Pensions (Increase) Act 1974, or under Section 59 of the Social Security Pensions Act 1975.
- 363.** Any general conditions attaching to the grant or continuance of a pension shall apply also to the grant or continuance of any increase of that pension.
- 364.** Reference to former Pensions Increase Warrants are to all or any of the Royal Warrants of 16th August 1920<sup>11</sup>, 26th September 1921<sup>12</sup>, 7th August 1924<sup>13</sup>, 13th March 1921<sup>14</sup>, 31st May 1944<sup>15</sup>, 17th November 1944<sup>16</sup>, 13th May 1947<sup>17</sup>, 4th September 1952<sup>18</sup>, 20th April 1954<sup>19</sup>, 22 May 1956<sup>20</sup>, 31st July 1959<sup>21</sup>, 24th December 1962<sup>22</sup>, 31st December 1965<sup>23</sup>, 19th March 1969<sup>24</sup>, 25th August 1971<sup>25</sup>, 27th September 1972<sup>26</sup>, and 6th October 1972<sup>27</sup>.
- 365.** The expression “pension” in this part of the Warrant includes any award increasable under its provision or under the provision of former Pensions Increase Warrants.
- 366.** The provisions in this part of the Warrant will be disregarded for the purpose of the Recall of Army and Air Force Pensions Act 1948.
- a. a pensioner who is not liable to recall under the Act referred to will not become so liable by reason of the award of an increase of a pension under this Warrant, but
  - b. a pensioner who is so liable to recall will remain liable notwithstanding the award of an increase of pension.
- 367.** Awards to or in respect of personnel of the Brigade of Gurkhas and the Gibraltar Regiment, or non European personnel locally enlisted in Malaysia and Singapore or personnel of either the former Hong Kong-Singapore Royal Artillery or the former Hong Kong-Chinese Training Unit may not be increasable under the provisions of this part of the Warrant.

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<sup>11</sup> Army Order 347 of 1920  
<sup>12</sup> Ministry of Pensions Warrant  
<sup>13</sup> Army Order 288 of 1924  
<sup>14</sup> Cmd.2373  
<sup>15</sup> Army Order 89 of 1944  
<sup>16</sup> Cmd. 6572  
<sup>17</sup> Army Order 58 of 1947  
<sup>18</sup> Army Order 111 of 1952  
<sup>19</sup> Army Order 45 of 1954

<sup>20</sup> Army Order 39 of 1956  
<sup>21</sup> Army Order 48 of 1959  
<sup>22</sup> Army Order 1 of 1963  
<sup>23</sup> Army Order 1 of 1966  
<sup>24</sup> Army Order 19 of 1969  
<sup>25</sup> Army Order 52 of 1971  
<sup>26</sup> Army Order 64 of 1972  
<sup>27</sup> Army Order 63 of 1972



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## Section 26—Pension Increase Order 2005

**368.** This section shall come into operation on 11th April 2005 (excluding Maltese personnel whose last day of service was on or after 31st July 1973, for whom the pension increase will be awarded for the year commencing 1st August 2005 there will be 2.49% pension increase applicable).

**369.** The amount of the increase to a person qualified under Section 22 in respect of any period on or after 11th April 2005 (excluding Maltese personnel whose last day of service was on or after 31st July 1973, for whom the pension increase will be awarded for the year commencing 1st August 2005) shall be the appropriate percentage set out in Article **370** of the pension being paid to the pensioner at the time when the increase becomes payable, including any pensions increase awarded or for which he may become eligible under Pensions Increase Measures and including any part of the pension commuted on or after 11th April 2005. A reduction should be applied in respect of any guaranteed minimum pension if required by Article **361C**.

**370.** a. The appropriate percentage increase, in respect of awards to United Kingdom based personnel, and awards to Maltese personnel whose last day of service was before 31st July 1973, and awards to non European personnel locally enlisted in the West Indies, assessed in accordance with regulations introduced prior to 1960, shall be as follows:

<i>Pensions beginning</i>	<i>Percentage increase</i>
on or before 26 April 2004	3.10%
27 April – 26 May 2004	2.84%
27 May – 26 June 2004	2.58%
27 June – 26 July 2004	2.33%
27 July – 26 August 2004	2.07%
27 August – 26 September 2004	1.81%
27 September – 26 October 2004	1.55%
27 October – 26 November 2004	1.29%
27 November – 26 December 2004	1.03%
27 December 2004 – 26 January 2005	0.78%
27 January – 26 February 2005	0.52%
27 February – 26 March 2005	0.26%
27 March 2005 onwards	nil

b. Minimum rates of Forces Family Pensions for widows and children of those whose last day of Service was before 31st March 1973 (31st July 1973 in the case of Maltese personnel) shall be increased by 3.1%.

**371–379.** Reserved.



## Part 13

# Re-employment

### Section 27—Re-employment of officers and soldiers in peacetime other than on call-out, recall or in an emergency

- 380.** a. Subject to paragraph (b), this section applies to—
- (1) officers and soldiers who, after leaving the Armed Forces are subsequently re-employed, reinstated or re-engaged and give further military service where the period of further service begins before 6 April 2005 (other than service on call-out, recall or in an emergency, to which Section 28 applies);
  - (2) officers and soldiers who gave service before 6 April 2005 and are subsequently re-employed, reinstated or re-engaged and give further military service where the break in service is less than one month (other than service on call-out, recall or in an emergency, to which Section 28 applies);
  - (3) officers and soldiers who give service, without a break, beyond the normal retirement age for their rank, list and type of commission or engagement and who are aged 55 years or over.
- b. This section does not apply to an officer or soldier who is re-employed for a period of full-time reserve service under Section 24 of the Reserve Forces Act 1996, or on a Special Short Service Voluntary Commission or Special S-Type Engagement which commenced after 1 November 1997, to which Section 29 applies.
- 381.** In this section the terms “retirement” and “pension” shall, unless a contrary intention appears, mean “retirement or discharge” and “service retired pay or pension, or invaliding or attributable retired pay or pension” respectively. The term “pension code in force” shall mean the relevant provisions of Parts 2 and 3 of the Warrant.
- 382.** In this section a break in service is defined as a period of one month or more between two periods of service, except as provided under Articles 385 and 400 below. Where there is a break in service of less than one month, both periods of service will be treated as continuous and no immediate pension, terminal grant or preserved pension shall be awarded at the end of the first period of service.
- 383.** An officer who after being awarded retired pay is subsequently re-employed as an other rank, may be dealt with under this Section as if his retired pay were a service pension except as provided in Article 385.

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**Suspension of pension on re-employment**

- 384.** Subject to the provisions of Article **385** and **386**, an officer or soldier who is in receipt of a pension may, while re-employed for training or for any authorised military duty for periods not exceeding 6 consecutive months, or aggregating 6 months or less in any 12 months, continue to draw his pension concurrently with any pay to which he may be entitled; but payment of pension shall be suspended for periods of re-employment of more than 6 months or when there is doubt about the duration of the period of re-employment. The 6-months period is to exclude any periods of unpaid leave during which suspension of pension is not applicable.
- 385.** An officer or soldier who gives extended service or is re-employed in a rank lower than the substantive rank held, or is awarded a basic rate of pay lower than that in issue at the time of first retirement, rank may, from age 55 or the normal age of retirement (if later) or the date of assuming the lower rank (whichever is the later), be awarded that portion of his accrued pension which, when added to the pay of his lower rank, equals the pay that he was receiving in his substantive rank, uprated by the same percentage of Pension Increases applicable to the code under which his accrued pension was assessed. Subsequent increase in pay rates, or in the Pension Increases payable on the code under which his accrued pension was assessed, will not lead to a reassessment of the portion of pension being paid; but a change in the rank in which the officer or soldier serving will lead to such a reassessment.
- 386.** A soldier who is below age 55 and is in receipt of a pension and is re-employed on a local service regular engagement may elect to retain that portion of his pension which, when added to his pay on commencement of the local service engagement, equals the pay that he was receiving in his substantive rank on first retirement, assessed under the conditions of Article **385**.

**Aggregation of service**

- 387.** Subject to the conditions of Article 390, an officer or soldier who has been awarded an immediate or preserved pension and is re-employed or re-instated after a break in service may choose either to aggregate the two periods of service for one pension, or to receive two pensions on final retirement. This option may be exercised immediately on re-employment if the pension is in payment or, if the pension is not in payment, when it is due to come into payment or when the re-employment ceases, if earlier.
- 388.** Where the second period of service does not qualify for an award of preserved benefits, it will be aggregated with the first period of service for one pension. Where a service attributable or invaliding pension was in issue prior to re-employment or re-instatement the two periods of service are to be aggregated and reckon for one pension on final retirement.
- 389.** Under either option the total of re-employed, continued or extended and former reckonable service may not exceed 34 years for officers and 37 years for soldiers.
- 390.** Where a soldier has elected to retain part of his immediate pension other than a Service attributable or invaliding pension under the conditions of Article **386** no aggregation of service is permissible except as provided in Article **388**.

Part 13—Re-employment of officers and soldiers in peacetime

**Assessment of pension on final retirement**

- 391.** Where there has been no aggregation of service under the conditions of Articles **387-390**, any award of preserved or immediate pension in respect of the first period of service will be reinstated on final retirement. A second pension will then be awarded in respect of the period of extended or re-employed service. Where the two periods of service have been aggregated any award of preserved or immediate pension in respect of the first period of service will be cancelled and a new award made in respect of the total or re-employed or extended and former reckonable service.
- 392.** Any new pension awarded to an officer or soldier under the terms of Article **391** above will be assessed under the provisions of either:
- (a) the pension code in force at the time of final retirement assessed on his rank for pension purposes at the date of retirement, or,
  - (b) if it is to his advantage, the pension code under which he was originally retired assessed on his rank for pension purposes at the date of the earlier retirement, or,
  - (c) if it is to his advantage, and he is over 55, the pension code under which he would have retired at age 55, or the normal age of retirement if later, assessed on his rank for retired pay purposes at that date, increased by the Pension Increases applicable to that code.
- 393.** Where the award of pension granted to an officer or soldier who is finally retired before age 55 ceases to be the more advantageous on his becoming eligible for Pension Increases, then the more advantageous award may be substituted for the original award with effect from the date on which payment of the Pension Increase is effective.
- 394.** A soldier who is re-employed in a lower rank after being discharged to pension and has had his pension suspended in whole or in part under Articles **384-386** may on final discharge be awarded a reassessed pension under the provisions of Article **392** or, if more to his advantage, under either of the following sub-paragraphs, taking into account if appropriate, the effects of Pensions Increases:
- (a) a pension appropriate to his rank for pension purposes and to his reckonable service at the date of original discharge plus, for each year of service in the lower rank, an addition equal to the incremental progression in the pension scale of the lower rank all calculated by reference to the rate of pension current at the date of final discharge.
  - (b) as in (a) above, but all calculated by reference to the rates of pension current at the date of original discharge.

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### **Commutation**

- 395.** Where an officer or soldier who has commuted a part of his pension is re-employed and his pension is suspended in whole or in part under Article **384**, a reduction equal to the annual amount of pension commuted will be made in his pay or pension as appropriate. In respect of Life Commutation, the reduction will be made in pay, regardless of whether the pension is suspended in whole or in part. In respect of Resettlement Commutation, with effect from 21 July 2005, where the pension is suspended in part, the reduction will be made in the pension where there is sufficient remaining after suspension or partly from pension, partly from pay where there is insufficient remaining after suspension. A deduction equivalent to the amount of the original part of the pension commuted will be made from the revised award made on final retirement, but the commutation will be ignored in assessing the final terminal grant which will be based on the gross retired pay or pension irrespective of commutation.

### **Assessment of terminal grant on final retirement**

- 396.** Where no terminal grant has been paid in respect of the first period of service, and two periods of service have been aggregated under the conditions of Articles **387–390**, entitlement to terminal grant on final retirement may be assessed, in accordance with the provisions of Article **392**, in respect of the total or re-employed, continued or extended and former reckonable service.
- 397.** Where a terminal grant has already been paid, or where there has been no aggregation of service, entitlement to terminal grant on final retirement may be assessed, in respect of a notional pension earned for the re-employed, continued or extended reckonable service only.
- 398.** Where the period of re-employed, continued or extended service commenced before 1 January 1998 and there has been aggregation of service entitlement to terminal grant on final retirement may be assessed as the amount due in respect of the total of re-employed, continued or extended and former reckonable service less the amount of any terminal grant which has already been paid in respect of the former service.
- 399.** When no terminal grant has been paid and there has been no aggregation of service any award of preserved terminal grant in respect of the first period of service will stand.
- 400.** An officer whose eligibility for full pay continues after he attains the normal retirement age for his rank, list and type of commission and who is aged 55 years or over, may be paid the terminal grant for which his service has qualified him if and only if:
- (a) the officer is re-employed, continues or is extended in a lower rank; or
  - (b) he is an officer who because of exceptional considerations is, continued, extended or is re-employed.

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**Refund of Special Capital Payment**

- 401.** Where an officer or soldier who has received compensation under the provisions of Part 9 of the Warrant is, within 5 years of redundancy, re-employed in peacetime, other than on a local service regular engagement, in any one of the Armed Forces (with the exclusion of the Reserve Force of the Crown and the HSPT element of the Royal Irish Regiment), he shall be required to refund a proportion of any special capital payment paid to him. The refund will be calculated as follows:

$$\left\{1 - \frac{A}{60}\right\} \times \text{The Special Capital Payment}$$

where A is the number of complete months elapsed since the last day of paid service.

- 402.** Where a soldier who has received compensation under the provisions of Part 9 of the Warrant is, within 2 years of redundancy, re-employed in peacetime on a local service regular engagement, he shall be required to refund a proportion of any special capital payment paid to him. The refund will be calculated as follows:

$$\left\{1 - \frac{A}{24}\right\} \times \text{The Special Capital Payment}$$

where A is the number of complete months elapsed since the last day of paid service.

- 403.** If an officer or soldier who has received a special capital payment under the provisions of Part 9 of the Warrant takes up, within 2 years of leaving the Armed Forces an appointment which is reserved for former members of the Armed Forces (including a Retired Officer or similar post in the Ministry of Defence or other Government department or an established appointment on the Home Civil Service or Foreign Service under special schemes which reserve vacancies for former members of the Forces), or an appointment made by, or on the recommendation of a Minister of the Crown other than business appointment where it is required that the application should be so approved, that officer or other rank shall refund part of the special capital payment in accordance with the following formula and associated limitations:

$$\text{refund} = \left\{1 - \frac{A}{24}\right\} \times \frac{2B}{3}$$

where A is the number of complete months elapsed since premature retirement and B is the annual rate of salary (excluding London Weighting or equivalent supplement) on appointment to the new post.

- 404.** The associated limitations on refunds calculated under Article 403 are that:
- (a) in no cases will the amount of Special Capital Payment be reduced by the refund to less than a sum equivalent to 3 months' military salary

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at the rate defined for the purpose of assessing the Special Capital Payment awarded;

- (b) where the Special Capital Repayment was scaled at less than 3 months' military salary, as defined, no refund will be required.

**405.** Those who left the Armed Forces on or after 1st April 1992 and had formerly made a repayment under the terms of Article **403** may receive a refund or part of the Special Capital Payment in the following circumstances:

- (a) to those who, for non-disciplinary reasons, fail their probationary period;
- (b) to those on an appointment which does not last beyond three years, or which is disestablished within that timescale,

The refund shall be calculated in accordance with the following formula and associated limitations:

$$\text{refund} = \frac{\{A \times B\}}{36} + C$$

Where

A is the number of complete months short of three years' service;

B is the amount of the original SCP payment;

C is the interest at building society rates, backdated to the date of the original SCP repayment.

The associated limitations are:

- (i) no refund will be payable where an individual leaves at his own request;
- (ii) no refund will be made in the case of death in service, when death in service gratuity is payable;
- (iii) no refund will be made when redundancy compensation or other severance payment is awarded. However, where any compensation paid is less than the amount of SCP which might have been refunded, the difference between the two payments may be refunded;
- (iv) no refund will be payable to an individual who leaves the appointment after reaching the age of 55.

**406–409.** Reserved.



Part 13—Re-employment of officers and soldiers on call-out

**Section 28—Re-employment of officers and soldiers on call-out, recall or in an emergency**

**410.** This Section relates to:-

- a. officers and soldiers recalled for service or called out for permanent service as members of the volunteer reserve forces by a recall order or a call out notice made under a prerogative or statutory power where the period of recalled or called out service begins before 6th April 2005. This is subject to paragraph c;
- b. other officers and soldiers who give further service (other than on normal or non-continuous service engagements) during a period of national danger or who are specially re-employed on full pay in anticipation of a national mobilisation where the period of further service begins before 6th April 2005.
- c. Officers and soldiers who are in receipt of Service Retired Pay under **Part 2** or Service Pension under **Part 3** and who are recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996 and where the period of recalled permanent service begins on or after 6th April 2005 may choose to have Articles **414** and **415** apply to them (instead of the service being pensionable in the Armed Forces Pension Scheme 2005 (established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004) or otherwise.

**411.** The provisions of Article **410(b)** may be brought into operation for such personnel on such occasions and for such periods as the Secretary of State for Defence may determine, in consultation with the Lords Commissioners of Her Majesty's Treasury.

**412.** Officers and soldiers who are recalled or called out in circumstances to which this Section relates under the provisions of Article **410** above will not be required to refund any part of any Special Capital Payment or resettlement grant awarded to them.

**413.** Officers and soldiers will, during periods of further service to which these provisions apply, continue to receive any retired pay or service pension in issue to them prior to call out or recall subject to the conditions normally attached thereto.

**414.** On discharge or release from such service, any officers or former servicemen who have continued to receive retired pay or pension may, provided their service has been satisfactory and of at least 6 months' duration, receive an addition to their retired pay or pension of half the difference between:

- a. the retired pay and pension for which their previous service qualified them, or would have qualified them under Parts **2** and **3** of the Warrant; and

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- b. the retired pay and pension for which they would be eligible under Parts **2** and **3** of the Warrant if their further service was added to their previous service.
- 415.** No terminal grant, additional terminal grant or resettlement grant will be payable in respect of this re-employed service.
- 416.** On discharge or release from re-employed service, recall or call-out, any officer or soldier who has been passed medically fit for Army Service and has served in circumstances to which this Section relates, and who has been awarded a preserved pension and preserved terminal grant for former service may opt either:
- a. to have the preserved pension and preserved terminal grant cancelled, so that on final retirement the aggregate of former service and re-employed, recalled or called-out service will be assessed under the provisions of the pension code current at the time of final release; or
  - b. to retain the preserved pension and preserved terminal grant for former service and have the period of re-employed, recalled or called-out service assessed for pension separately under the provisions of the pension code current at the time of final release.

Where the further period of service does not in itself qualify for the award of preserved benefits, because it is less than 2 years, it will be aggregated with the former service for one pension at the rates in force when the final period of service came to an end.

- 416A.** Any period of service on call-out by notice made under a prerogative or statutory power, given by a member of the reserve forces who has not qualified for the award of an immediate or preserved pension under this schedule shall, subject to the provisions of Article **417**, count as reckonable service for the purpose of determining entitlement to terminal benefits under the provisions of section **29**.
- 417.** Where arrangements have been made to protect the civilian pension rights of reservists accepted into service, after call-out or recall, by the payment of contribution towards their pensions, those who are entitled to earn further Service pension benefits in respect of that service will have to choose at the start of service between benefits under the Armed Forces Pension Scheme, and having payments made to their civilian pension scheme.
- 418.** This section does not apply to Army officers employed under the Retired Officers scheme who, while serving overseas, are recalled on mobilisation but who remain on their existing conditions of service and rates of pay.
- 419.** If officers or service pensioners are employed with the Armed Forces of the British Commonwealth or Colonies in connection with an emergency for which the provisions of this section are brought into operation, these provisions may be applied to them, or any category of them, as if their further service had been with the United Kingdom forces.



## Part 14

### Full-Time Reserve Service

#### Section 29—Pensionability of Full-time Reserve Service and service on Short Term Volunteer Commissions and S-Type Engagements

##### Application

**420.** Subject to Article 420A this section applies to any member of the Reserve Forces who undertakes:

- a. a period of full-time reserve service under Section 24 of the Reserve Forces Act 1996
- b. a Short Term Volunteer Commission which commenced after 1 November 1997
- c. Special S-Type Engagement which commenced after 1 November 1997.

Such personnel will be eligible for membership of the Armed Forces Pension Scheme and the award of terminal benefits, including non-attributable death and invaliding benefits, in accordance with the provisions of Parts 2 to 4 and 10 to 13 of this Schedule, subject to the special conditions of Articles **422–440**.

**420A.** The provisions of this Part do not apply where a period of full time reserve service, a Short Term Volunteer Commission or a special s-type engagement begins on or after 6th April 2005.

##### Definitions

**421.** In this section the term “pension” shall, unless a contrary intention appears, mean “service retired pay or pension, or invaliding or attributable retired pay or pension”. The term “full-time reserve service”, shall, unless a contrary intention appears, mean “paid full-time reserve service under Section 24 of the Reserve Forces Act 1996, or a Short Term Volunteer Commission or Special S-Type Engagement”. The term “basic pay” shall mean “the rate of basic pay, including the appropriate level of X-factor, for the rank and length of service in the rank plus any long service increment”.

##### Reckonable Service

**422.** The normal retirement age for a member of the Reserve forces undertaking a period of Full Commitment Full Time Reserve Service or a Short Term Volunteer Commission or Engagement will be 55 years. The normal

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retirement age for a member of the Reserve forces undertaking a period of Home Commitment or Limited Commitment Full Time Reserve Service will be 60 years.

- 423.** Any period of paid full-time reserve service given after attaining the age of 21 years for officers or 18 years for other ranks may qualify as reckonable service for the purpose of determining entitlement to terminal benefits. However, where a reservist has made arrangements under which continuity of pension rights with a civilian occupational or personal pension scheme will be maintained during a period of full-time reserve service, no occupational benefits under the Armed Forces Pensions Scheme can be earned concurrently in respect of that service, other than Service attributable death or invaliding benefits.
- 424.** Periods of full time reserve service cannot be aggregated with periods of regular service for the purpose of determining entitlement to terminal benefits or to subsequent survivor benefits.

**Normal retirement pensions**

- 425.** Where the aggregated total of all periods of reckonable full time reserve service is 2 years (730 days) or more, terminal benefits may be awarded. Subject to the provisions of Article **426**, no terminal benefits, other than invaliding benefits, in respect of periods of full time reserve service shall be put into payment before pension benefit age.
- 426.** Terminal benefits in respect of periods of full time reserve service awarded on compulsory termination of a period of Full commitment Full Time Reserve Service, or a Short Term Volunteer Commission or S-Type Engagement, to an officer or soldier who has reached the age of 55 may be put into payment immediately. However any pension in payment under the terms of this Article will be subject to abatement under the terms of Articles **432** and **433** if any further period of full time reserve service is undertaken.
- 427.** Normal retirement pensions earned in respect of periods of full time reserve service will be based on pensionable earnings. Pensionable earnings may be defined as the total amount of basic pay received either:
- a. during the last 365 days of reckonable full time reserve service prior to the last day of pensionable service
  - or**
  - b. during any consecutive 365 days of reckonable full time reserve service completed during a period of 5 years up to and including the last day of pensionable service,
- whichever is the greater.

In either case the total amount of basic pay will be adjusted in proportion to any pension increases authorised by Order from the last day of the finan-

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cial year in which the pay was received up to the last day of pensionable service.

- 428.** Subject to the provisions of Article **429**, pensions awarded under the provisions of Article **427** will be assessed as an annual percentage rate of pensionable earnings for each year or part year of the total of all periods of reckonable full time reserve service, calculated, pro rata, to the nearest day. The annual percentage rate will be one and one half per cent in respect of any period of Full Commitment Full Time Reserve Service or a Short Term Volunteer Commission or Special S-Type Engagement and one and one quarter cent in respect of any period of Home Commitment or Limited Commitment Full Time Reserve Service. Any terminal grant will be calculated as three times the annual rate of pension awarded.
- 429.** The total of all AFPS pensions awarded in respect of periods of full time reserve and former regular service should not be greater than either 50% of pensionable earnings as defined at Article **427** or the full career rate of pension appropriate to the rank held at the end of former regular service, whichever is the greater.

**Death or invaliding benefits**

- 430.** Non-attributable death or invaliding benefits in respect of periods of full time reserve service will be payable at the same rates that would apply to a regular serviceman or woman of the same rank.
- 431.** Non-attributable death and invaliding benefits will only be payable in respect of death-in-service or invaliding which occurs whilst undertaking a period of full-time reserve service, even if a reservist has given previous regular service. A death which occurs following a period of reckonable full-time reserve service will be treated as a death in retirement.
- 431A.** Attributable death or invaliding benefits for members of the Reserve Forces are paid under the Reserve Forces (Attributable Benefits Etc) regulations.

**Abatement of pension**

- 432.** Any Service pension in issue in respect of former regular service to a member of the Reserve Forces who undertakes a period of full time reserve service will be subject to abatement from the commencement of the period of full time reserve service. A reservist whose pension is subject to abatement under this Article may retain that amount of his base rate pension which, when added to his basic pay on commencement of the period of full time reserve service, equals the basic pay that he was receiving on his last day of regular service, uprated by the same percentage of Pension Increases applicable to the code under which his accrued pension was assessed. Subsequent increase in pay rates, or in the Pension Increases payable on the code under which his accrued pension was assessed, will not lead to a reassessment of the amount of pension being paid; but a change in the rank in which the reservist is serving will lead to such a reassessment.

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- 433.** Any award of preserved or immediate pension in respect of former regular service which had been subject to abatement, in whole or in part, will be reinstated on completion of a period of full time reserve service. Where applicable, a second pension may then be awarded under the provisions of Article 425.
- 434.** Where an officer or soldier who has commuted a part of his pension is re-employed and his pension is subject to abatement in whole or in part under Article 432, a reduction equal to the annual amount of pension commuted will be made in his pay or pension as appropriate. In respect of Life Commutation, the reduction will be made in pay, regardless of whether the pension is suspended in whole or in part. In respect of Resettlement Commutation, with effect from 21 July 2005, where the pension is suspended in part, the reduction will be made in the pension where there is sufficient remaining after suspension or partly from pension, partly from pay where there is insufficient remaining after suspension.

**Terminal Grant**

- 435.** Awards of terminal grant in respect of full-time reserve service will be assessed under the provisions of Article 428. A former member of the Regular forces who has been awarded a terminal grant in respect of such service and who, after a break in service of at least 30 days, undertakes a period of full-time reserve service will not be required to refund any part of that terminal grant. Where no terminal grant has been paid any award of preserved terminal grant in respect of the former regular service will stand.

**Resettlement grant**

- 436.** Periods of full-time reserve service will not qualify for the award of a resettlement grant. A former member of the Regular forces who has been awarded a resettlement grant in respect of such service and who, after a break in service of at least 30 days, undertakes a period of full-time reserve service will not be required to refund any part of that resettlement grant.

**Refund of redundancy compensation**

- 437.** Where an officer or soldier who has received compensation under the relevant provisions of Articles 340–350 is re-employed in peace-time within 2 years of redundancy on a period of full-time reserve service of more than 12 months, he shall be required to refund a proportion of any special capital payment paid to him, calculated as follows:

$$\left\{1 - \frac{A}{24}\right\} \times \text{The Special Capital Payment}$$

- 438.** Where an officer or soldier who has received compensation under the relevant provisions of Articles 340–350 is re-employed in peace-time within 12 months of redundancy on a period of full-time reserve service of more than 6 months but not more than 12 months, he shall be required to refund a proportion of any special capital payment paid to him, calculated as follows:

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$$\left\{1 - \frac{A}{12}\right\} \times \text{The Special Capital Payment}$$

where A is the number of complete months elapsed since the last day of paid service.

- 439.** Where an officer or soldier who has received compensation under the relevant provisions of Articles **340–350** is re-employed in peace-time on a period of full-time reserve service of 6 months or less, no refund is required.
- 440.** Where an officer or soldier undertakes a second or subsequent period of full-time reserve service, or the original period is extended, within 2 years of redundancy, the liability for refund is to be reassessed on the basis of the aggregate of the initial and further periods of full time reserve service, reckoned from the date of commencement of the second or subsequent period of such service backdated by the amount of the initial period of service in accordance with the provisions of Articles **437** or **438**, as appropriate.



# **Part 15**

## **Pension Sharing on Divorce or Dissolution of a Civil Partnership**

### **Section 30—Pension Sharing - General**

#### **Definitions**

- 441.** In this Part, the following definitions apply:
- “the 1993 Act” means the Pension Schemes Act 1993;
  - “the 1999 Act” means the Welfare Reform and Pensions Act 1999;
  - “pension credit” means a credit under section 29(1)(b) of the 1999 Act, including a credit under corresponding Northern Ireland legislation;
  - “pension credit benefit” has the meaning given by section 101B of the 1993 Act;
  - “pension credit member” means a person, whether or not that person is otherwise entitled to benefits under this Warrant, entitled to a pension credit within section 29(1)(b);
  - “pension credit rights” has the meaning given by section 101B of the 1993 Act;
  - “pension debit” means a debit under section 29(1)(a) of the 1999 Act;
  - “pension debit member” means an officer or soldier whose benefits or future benefits under this Warrant have been reduced under section 31 of the 1999 Act;
  - “pension sharing order” means an order or provision which is mentioned in section 28(1) of the 1999 Act;
  - “shareable rights” has the meaning given by section 27(2) of the 1999 Act.

#### **Availability of Pension Sharing**

- 442.**
- a. Pension sharing within the meaning of Part IV of the 1999 Act is available in respect of all or part of an officer’s or soldier’s shareable rights to which they are entitled under this Warrant.
  - b. Liability in respect of a pension credit derived from the shareable rights of an officer or soldier under this Warrant shall be discharged by the provision of pension credit benefits as set out in this Part.

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## Section 31—Pension Credit Members

### Application of provisions of the Army Pensions Warrant to pension credit members

**443.** Except where otherwise stated, no provisions of this Warrant (apart from **Part 15**) apply in respect of pension credit members, pension credits, or pension credit benefits.

### Pension Credit Benefits

**444.** A pension credit member is entitled to pension credit benefit which shall consist of-

- a. a pension for life; and
- b. a lump sum, provided that the corresponding pension debit member has not already received a terminal grant under Article **64, 65, 66, 166** or **167** before the pension sharing order takes effect.

### Date of payment of pension credit benefit

**445.** A pension credit member shall be entitled to the payment of the pension credit benefit—

- a. where the pension sharing order was made before 6 April 2009—
  - (1) on the date the pension credit member reaches pension benefit age; or
  - (2) if it is later, the date the pension sharing order takes effect;
- b. where the pension sharing order was made on or after 6 April 2009—
  - (1) on the date the pension credit member reaches age 55; or
  - (2) if it is later, the date the pension sharing order takes effect.

For the purposes of this Section “pension benefit age” means—

- a. in respect of a pension credit member whose Pension Sharing Order was made before 6 April 2006, the age of 60;
- b. in respect of a pension credit member whose Pension Sharing Order was made on or after 6 April 2006, the age of 65.

### Amount of pension

**446.** The pension referred to in Article **444(a)** must be of such an amount that its value is equal to the pension credit member’s pension credit as calculated in accordance with regulations made under paragraph 5(b) of Schedule 5 to the 1999 Act.



Part 15—Pension Sharing on Divorce

**Amount of lump sum**

**447.** The lump sum referred to in Article **444(b)** is equal to 3 times the annual rate of the pension.

**Early payment of pensions with actuarial reduction**

- 447A.** a. Where the pension sharing order was made before 6 April 2009, a pension credit member may opt for immediate payment of a reduced pension and lump sum if—
- (1) the member is aged 55 or over, and
  - (2) the pension sharing order from which the pension credit rights derive has taken effect.
- b. If a pension credit member exercises the option under this article, the amount of the annual pension to which the member becomes entitled is first calculated as mentioned in article 446 and then that amount is reduced by such amount as the Defence Council determines after consulting the Scheme actuary.
- c. If a pension credit member exercises the option under this article, the amount of the lump sum to which the member becomes entitled is first calculated as mentioned in article 447 and then that amount is reduced by such amount as the Defence Council determines after consulting the Scheme actuary.
- d. The option under this article may only be exercised by notice in writing to the Scheme administrator.

**Aggregation of pension credit benefits**

**448.** Pension credit rights or benefits may not be aggregated with any other rights or benefits which the pension credit member has under this Warrant either in respect of that member's own service in the Army or in respect of another pension credit.

**Safeguarded Rights**

**449.** Section 68A(2)(a) of the Pension Schemes Act 1993 applies to the safeguarded rights of pension credit members.

**Commutation of whole of pension credit benefit**

**450.** Where, at the time the pension credit benefit becomes payable, the total benefits payable to the pension credit member under this Warrant including any pension credit benefit under this Section do not exceed £260 per annum (or the sum referred to in regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 if different), and where the pension credit member consents, liability in respect of the pension credit benefit may be discharged by the payment of a lump sum to the pension credit member which will be the actuarial equivalent of the commuted pension calculated from tables prepared by the Government Actuary.

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**Transfers out and in**

- 451.** No transfer value shall be paid or accepted in respect of any pension credit rights or pension credit benefits.

**Inability of pension credit member to enhance pension credit rights or benefits**

- 452.** A pension credit member shall not be allowed to enhance pension credit rights by the purchasing of added years or the making of additional voluntary contributions or otherwise.

**Death of pension credit member before pension credit benefit becomes payable**

- 453.**
- a. Where a pension credit member dies before any benefits derived from the pension credit have become payable, a lump sum is payable to the pension credit member's personal representatives.
  - b. The lump sum is equal to three times the annual pension which would have been payable, calculated in accordance with Article **446**, as if the pension credit member had become entitled to the payment of a pension in accordance with Article **445** on the date of death.

**Death of pension credit member after pension credit benefit becomes payable**

- 454.**
- a. Where a pension credit member dies after pension credit benefits have become payable, and where that member's pension credit benefits did not include a lump sum under Article **444(b)**, a lump sum is payable to the pension credit member's personal representatives.
  - b. The lump sum will be equal to three times the initial rate of annual pension less any pension which has already paid to the pension credit member under Article **444(a)**.

**Pensions Increases for pension credit benefits**

- 455.**
- a. Where there is a period of time between the pension sharing order taking effect and the pension becoming payable under paragraph **445(a)**, the pension is increased on the date it becomes payable in respect of that period by the same proportion as those pensions which are increased by virtue of **Part 12** of this Warrant.
  - b. Once a pension under Article **444(a)** becomes payable to a pension credit member, it shall be increased annually by the same proportion as those pensions which are increased by virtue of **Part 12** of this Warrant.

**Section 32—Pension Debit Members**

**Reduction in pension debit member's benefits**

- 456.** The shareable benefits to which a pension debit member is entitled under this Warrant are subject to the reduction to be made under section 31 of the 1999 Act.

Part 15—Pension Sharing on Divorce

**Pensions for surviving spouses or surviving civil partners of pension debit members**

- 457.** If a pension debit member dies leaving a surviving spouse or surviving civil partner, the Family Pension payable to that spouse or civil partner under **Part 4** of this Warrant shall be reduced by the same proportion as the pension debit member's pension benefits have been reduced in accordance with section 31 of the 1999 Act (or would have been reduced if he had been entitled to them on the day he died).

**Pensions for eligible children of pension debit members**

- 458.** If a pension debit member dies leaving one or more eligible children, the pension payable to an eligible child under **Part 4** of this Warrant shall be calculated without taking into account any reduction of the pension debit member's pension benefits by virtue of section 31 of the 1999 Act. The pension shall then be reduced to the extent required by section 31 of the 1999 Act.

**Inability of pension debit member to replace debited pension rights.**

- 459.** A pension debit member shall not be allowed to replace any rights debited as a consequence of a pension sharing order by purchasing added years or making additional voluntary contributions or otherwise.



## Part 16

# Gurkha Offer to Transfer (GOTT)

### Section 33—Active Members of the Gurkha Pension Scheme (GPS)

- 457.** This section applies to persons who are active members of the Gurkha Pension Scheme constituted by the Royal Warrant of 19 December 1949 (GPS) and opt to become members of the Armed Forces Pension Scheme 1975 (AFPS 75) on the basis set out in this section.
- 461.** Active members of the GPS who are in service on 1 October 2007 are entitled to transfer to AFPS 75 providing they opt to do so by this date. The option has effect on 1 October 2007 except when, in individual circumstances, the Defence Council has authorised that it may take place at a later date.
- 462.** This election is irrevocable except in the event that, in the opinion of the Defence Council, the decision was made on the basis of incorrect information provided by the MOD which has resulted in the decision to transfer being made on a false basis. Where permission to revoke the election is given by the Defence Council, the individual must give his revocation in writing within 3 months of the permission being granted.
- 463.** A Gurkha who opts to transfer into AFPS 75 becomes an active member of AFPS 75 on the effective option date in respect of the service he is on that day in the Brigade of Gurkhas. The period of qualifying service which will count in AFPS 75 is the period of qualifying service equal in length to the period the Gurkha was entitled to count under the GPS after age 18 for an Other Rank or age 21 for an Officer (but not exceeding 37 and 34 years respectively) on 30 September 2007.
- 464.** The period of reckonable service which will count in AFPS 75 for an Officer will be:
- a. a period equal to the period of reckonable service the Gurkha was entitled to count under the GPS on 30 September 2007 in respect of service on or after 1 July 1997; and
  - b. in respect of any service before 1 July 1997 the following percentage of that service:
    - (1) For a Gurkha holding the rank of lieutenant on 1 October 2007, 27%,
    - (2) For a Gurkha holding the rank of captain on 1 October 2007, 28%, and

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(3) For Gurkha holding the rank of major on 1 October 2007, 23%.

- 465.** The period of reckonable service which will count in AFPS 75 for a Gurkha who is not an officer on 1 October 2007 and who joined the Brigade of Gurkhas on or after 1 October 1993 will be a period equal to the period of reckonable service the Gurkha was entitled to count under the GPS on 30 September 2007.
- 466.** The period of reckonable service which will count in AFPS 75 for a Gurkha who is not an officer on 1 October 2007 and who joined the Brigade of Gurkhas before 1 October 1993 is:
- a. a period equal to the period of reckonable service the Gurkha was entitled to count under the GPS on 30 September 2007 in respect of service on or after 1 July 1997; and
  - b. in respect of any service before 1 July 1997 the following percentage of that service:
    - (1) For a Gurkha holding the rank of rifleman or lance corporal on 1 October 2007, 36%,
    - (2) For a Gurkha holding the rank of corporal on 1 October 2007, 30%,
    - (3) For a Gurkha holding the rank of sergeant on 1 October 2007, 29%,
    - (4) For a Gurkha holding the rank staff sergeant or warrant officer 2 on 1 October 2007, 27%
    - (5) For a Gurkha holding the warrant officer on 1 October 2007, 26%
- 467.** Where a GPS transferee is a pension debit member, his benefits will be modified to give effect to the pension sharing order to which his rights are subject.

Part 16—Gurkha Offer to Transfer (GOTT)

**Section 34—Former Active Members of the GPS who are still alive**

**Offer to transfer**

**468.** This section applies to former active members of the GPS, meaning persons:

- a. who were not active members of the GPS on 1 October 2007, but who were active members of the GPS at any time between 1 July 1997 and 30 September 2007 inclusive;
- b. who:
  - (1) were active members of the GPS for at least two years but left the Brigade before 1 October 2007 without qualifying for a GPS pension,
  - (2) were in receipt of a disability pension under the GPS on 30 September 2007,  
or
  - (3) were in receipt of a GPS retirement pension on 30 September 2007; and
- c. who opt to become members of the AFPS 75 on the basis set out in this section.

For the purposes of sub-paragraph (a), where a Gurkha was in receipt of condoned service on or after 1 July 1997 which ceased before 30 September 2007, he shall be treated as being an active member of the GPS for the period of such condoned service, notwithstanding the fact that the date of his actual discharge was before 1 July 1997.

**469.** Former active members of the GPS (as defined in Article **468**) are entitled to transfer to AFPS 75 providing they opt to do so by 1 March 2008, or such later date as the Defence Council may, at its discretion, authorise. The option has effect on 1 March 2008 except when, in individual circumstances, the Defence Council has authorised that the option may be exercised at a later date. This election is irrevocable except in the event that, in the opinion of the Defence Council, the decision was made on the basis of incorrect information provided by the Ministry of Defence which has resulted in the decision to transfer being made on a false basis. Where permission to revoke the election is given by the Defence Council, the individual must give his revocation in writing within three months of the permission being granted. In the event of a former active member dying after making an election and before 1 March 2008, the eligible dependants of the deceased may confirm the election to transfer to AFPS 75, or revoke it, at any time before 1 March 2008, or such later date, in individual circumstances, as the Defence Council authorises.

**470.** The period of qualifying service which will count in AFPS 75 for a former active member of the GPS who opts to transfer into AFPS 75, is the period

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of qualifying service equal in length to the period he was entitled to count under the GPS after age 18 (for an Other Rank), or after age 21 (for an Officer) (but not exceeding 37 or 34 years respectively), on 30 September 2007. The period of any condoned service described in Article 468 shall be treated as qualifying service.

- 471.** The period of reckonable service which will count in AFPS 75 for a former active member of the GPS who was an Officer will be:
- a. a period equal to the period of reckonable service he was entitled to count under the GPS on 30 September 2007, in respect of service on or after 1 July 1997; and
  - b. in respect of any service before 1 July 1997, the period of reckonable service that the Defence Council considers appropriate after consultation with the Scheme Actuary.
- 472.** The period of reckonable service which will count in AFPS 75 for a former active member of the GPS who was not an Officer will be:
- a. a period equal to the period of reckonable service he was entitled to count under GPS on 30 September 2007, in respect of service on or after 1 July 1997; and
  - b. in respect of any service before 1 July 1997, the period of reckonable service that the Defence Council considers appropriate after consultation with the Scheme Actuary.
- 473.** Where a person becomes a member of AFPS 75 as a result of this section and a UK court has granted a pension sharing order in relation to that person, his benefits under AFPS 75 will be modified to give effect to that pension sharing order, and he will become a pension debit member in AFPS 75.

**Terms of Transfer—qualifying service members**

- 474.** A former active member under Article 468(b)(1) (a “qualifying service member”), who exercises the option to transfer, becomes a deferred member of AFPS 75, with rights to a preserved pension, on 1 March 2008 (or such later date as the Defence Council determines if the option is exercised after that date). A qualifying service member is entitled, at the age of 60, to an annual pension and a pension commencement lump sum, as determined by the Defence Council, in consultation with the Scheme Actuary, having regard to factors including, but not limited to, payments that were made to him when he ceased to serve in the Brigade. Dependants’ benefits in relation to a qualifying service member will be paid in accordance with **Part 4** of this Warrant (Family Pensions and Gratuities).



Part 16—Gurkha Offer to Transfer (GOTT)

**Terms of transfer—disability pension members**

- 475.** A former active member under Article **468(b)(2)** (a “disability pension member”), who exercises the option to transfer, becomes a member of AFPS 75 on 1 March 2008 (or such later date as the Defence Council determines if the option is exercised after that date). A disability pension member is entitled to an annual ill-health pension as determined by the Defence Council, in consultation with the Scheme Actuary, having regard to factors including, but not limited to, the AFPS 75 rules in force at the time of his disability retirement and payments that have been made to him under the GPS. The calculation of the ill-health pension under AFPS 75 will be back-dated to the date of the pension member’s disability retirement, and any difference between the GPS disability pension already paid and the AFPS 75 ill-health pension now payable (in the member’s favour) will be paid to the disability pension member as arrears due, as a lump sum payment. Dependants’ benefits in relation to a disability pension member will be paid in accordance with **Part 4** of this Warrant (Family Pensions and Gratuities).
- 476.** No pension commencement lump sum will be paid to a disability pension member under AFPS 75, but if a pension commencement lump sum calculated under **Part 2** or **Part 3** of this Warrant is greater than the pension commencement lump sum already received by the disability pension member under the GPS, then his annual ill-health pension under AFPS 75 will be adjusted (in consultation with the Scheme Actuary) to award the difference to the member on an on-going basis.

**Terms of transfer—pensioner members**

- 477.** A former active member under Article **468(b)(3)** (a “pensioner member”) who exercises the option to transfer is entitled to be treated in accordance with Articles **478** and **479** or **480** to **482**, as appropriate.
- 478.** A pensioner member with sufficient qualifying service (calculated in accordance with Article **470**) to qualify for an AFPS 75 pension payable immediately under the terms of this Warrant becomes a member of AFPS 75 on 1 March 2008 (or such later date as the Defence Council determines if the option is exercised after that date). This pensioner member is entitled to the payment of an annual pension as determined by the Defence Council in consultation with the Scheme Actuary. The calculation of the pension under AFPS 75 will be back-dated to the date of the pensioner member’s retirement, and any difference between the GPS pension already paid and the AFPS 75 pension now payable (in the member’s favour) will be paid to the pensioner member as arrears due, as a lump sum payment.
- 479.** No pension commencement lump sum will be paid under AFPS 75 to a pensioner member under Article **478**, but if a pension commencement lump sum calculated under **Part 2** or **Part 3** of this Warrant is greater than the pension commencement lump sum already received by the pensioner member under the GPS, then his annual pension under AFPS 75 will be adjusted (in consultation with the Scheme Actuary) to award the difference to the pensioner member on an on-going basis. Dependants’ benefits in

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relation to a pensioner member will be paid in accordance with **Part 4** of this Warrant (Family Pensions and Gratuities).

- 480.** A pensioner member with insufficient qualifying service (calculated in accordance with Article **470**) to qualify for an AFPS 75 pension payable immediately under the terms of this Warrant will remain a member of the GPS and will receive his GPS pension until age 60. At age 60, the pensioner member becomes a member of AFPS 75 and becomes entitled to receive an annual pension under AFPS 75 as determined by the Defence Council, in consultation with the Scheme Actuary, having regard to factors including, but not limited to, payments that have already been made to him under the GPS. On becoming a member of AFPS 75, no pension commencement lump sum will be paid under AFPS 75, but if a pension commencement lump sum calculated under **Part 2** or **Part 3** of this Warrant is greater than the pension commencement lump sum already received by the pensioner member under the GPS, then his annual pension under AFPS 75 will be adjusted (in consultation with the Scheme Actuary) to award the difference to the pensioner member.
- 481.** A pensioner member referred to in Article **480** will not be allowed to transfer value out of AFPS 75 or to claim the benefits due at age 60 at an earlier date.
- 482.** If a pensioner member referred to in Article **480** dies before reaching the age of 60 his dependants will receive dependants' benefits (as may be due) under the GPS, not AFPS 75. If such a person dies after age 60, dependants' benefits will be paid in accordance with **Part 4** of this Warrant (Family Pensions and Gratuities).

Part 16—Gurkha Offer to Transfer (GOTT)

**Section 35—Gurkhas with service on or after 1 July 1997 who died (a) in service before 1 October 2007 or (b) in retirement before 1 March 2008**

**Offer to Transfer**

**483.** This section applies to eligible dependants of deceased Gurkhas who opt to become beneficiaries of AFPS 75 on the basis of this section. In this section:

- a. “eligible dependant” means a person who would qualify for family benefits under the GPS; and
- b. “deceased Gurkha” means a person who served with the Brigade of Gurkhas on or after 1 July 1997, and who died:
  - (1) in service, before 1 October 2007 or
  - (2) having left service, before 1 March 2008.

**484.** Where a deceased Gurkha, at the time of his death:

- a. was an active member of the GPS,
- b. was in receipt of a disability pension under the GPS,
- c. was in receipt of a retirement pension under the GPS, or
- d. had two years reckonable service, but had left the Brigade of Gurkhas prior to his death without qualifying for a GPS pension,

then the eligible dependants of that deceased Gurkha are entitled to transfer to AFPS 75 providing they opt to do so by 1 March 2008, or such later date as the Defence Council may, at its discretion, authorise. The option has effect on 1 March 2008 except when, in individual circumstances, the Defence Council has authorised that the option may be exercised at a later date.

**485.** The election is irrevocable except in the event that, in the opinion of the Defence Council, the decision was made on the basis of incorrect information provided by the MOD which has resulted in the decision to transfer being made on a false basis. Where permission to revoke the election is given by the Defence Council, the eligible dependants must give their revocation in writing within three months of the permission being granted.

**486.** Where an eligible dependant exercises the offer to transfer to AFPS 75, the transfer shall be effective in relation to all eligible dependants of that deceased Gurkha, unless, at their discretion, the Defence Council determine otherwise.

**Terms of Transfer**

**487.** Where an option to transfer has been exercised by the eligible dependants of a deceased Gurkha, then the following entitlements arise on 1 March

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2008 (or such later date as the Defence Council determines if an option is exercised after that date):

- a. a family pension becomes payable to the deceased Gurkha's dependants, in accordance with the eligibility criteria in **Part 4** of this Warrant.
- b. if the deceased Gurkha met the requirements of Article **484(a)** or **484(d)** and died no more than two years before 1 March 2008, a death benefit lump sum becomes payable to the deceased Gurkha's dependants, in accordance with the eligibility criteria in **Part 4** of this Warrant.
- c. if the deceased Gurkha died before 1 March 2006, no death benefit lump sum is payable under this Warrant. However, if a death benefit lump sum calculated under this Warrant is greater than the lump sum already received by the eligible dependants under the GPS, then the difference will be paid to the dependants as arrears due payable together with any amount arising under Article **488**.

**488.** The amount of such family benefits is to be determined by the Defence Council, in consultation with the Scheme Actuary, having regard to factors including, but not limited to, the AFPS 75 rules on family benefits at the time of the deceased Gurkha's death, and any payments that have already been made to the eligible dependants under the GPS. The calculation of family benefits under AFPS 75 will be back-dated to the date of the deceased Gurkha's death, and any difference between the GPS family benefits already paid and the family benefits now payable under AFPS 75 (in the member's favour) will be paid to the dependants as arrears due, in the form of a lump sum payment.

Part 16—Gurkha Offer to Transfer (GOTT)

**Section 36—General Application**

- 489.** Article **135** of this Warrant shall not have the effect of excluding any Gurkha from the terms of **Part 3**, if he has elected to join the Scheme under **Part 16**, and on the terms of this Part.
- 490.** The calculation of qualifying or reckonable service for the purposes of **Part 16** of this Warrant shall not take account of any rules contained in other Parts of this Warrant, concerning the calculation of such service.



# Appendix I

**Reserved**





## Appendix II

### Commutation of Pensions

**Life commutation rates for pensions which qualify for a pension increase when the officer or soldier reaches the age of 55.**

Age next birthday	Rates for unimpaired lives per £1 commuted	Rates for impaired lives according to the number of years added to the age of the pension holder									
		1	2	3	4	5	6	7	8	9	10
20	15.08	14.96	14.85	14.73	14.60	14.47	14.34	14.20	14.06	13.92	13.77
21	15.18	15.07	14.94	14.82	14.69	14.55	14.42	14.27	14.13	13.98	13.83
22	15.29	15.17	15.04	14.91	14.77	14.63	14.49	13.34	14.19	14.03	13.88
23	15.40	15.27	15.14	15.00	14.86	14.72	14.57	14.41	14.25	14.09	13.92
24	15.51	15.37	15.24	15.09	14.95	14.80	14.64	14.48	14.31	14.15	13.97
25	15.62	15.48	15.33	15.19	15.03	14.87	14.71	14.55	14.37	14.20	14.02
26	15.73	15.58	15.43	15.28	15.12	14.95	14.78	14.61	14.43	14.25	14.06
27	15.83	15.68	15.53	15.37	15.20	15.03	14.85	14.67	14.49	14.30	14.11
28	15.94	15.79	15.62	15.46	15.28	15.11	14.92	14.74	14.54	14.35	14.15
29	16.05	15.89	15.72	15.54	15.36	15.18	14.99	14.79	14.60	14.39	14.18
30	16.15	15.98	15.81	15.63	15.44	15.25	15.05	14.85	14.64	14.43	14.21
31	16.26	16.08	15.90	15.71	15.52	15.32	15.11	14.91	14.69	14.47	14.24
32	16.36	16.18	14.99	15.79	15.59	15.38	15.17	14.95	14.73	14.50	14.27
33	16.46	16.27	16.07	15.87	15.66	16.45	15.23	15.00	14.77	14.53	14.29
34	16.55	16.35	16.15	15.94	15.72	15.50	15.27	15.04	14.80	14.56	14.31
35	16.64	16.44	16.23	16.01	15.78	15.55	15.32	15.08	14.83	14.58	14.32
36	16.73	16.51	16.30	16.07	15.84	15.60	15.36	15.11	14.85	14.59	14.32
37	16.81	16.59	16.36	16.13	15.89	15.64	15.39	15.13	14.86	14.59	14.32
38	16.88	16.65	16.42	16.17	15.93	15.67	15.41	15.14	14.87	14.59	14.31
39	16.94	16.71	16.46	16.21	15.96	15.70	15.43	15.15	14.87	14.58	14.29
40	17.00	16.75	16.50	16.25	15.98	15.71	15.43	15.15	14.86	14.56	14.26
41	17.04	16.79	16.53	16.27	15.99	15.71	15.43	15.13	14.83	14.53	14.22
42	17.08	16.82	16.55	16.28	15.99	15.71	15.41	15.11	14.80	14.49	14.17
43	17.10	16.83	16.55	16.27	15.98	15.69	15.38	15.07	14.75	14.43	14.10
44	17.11	16.83	16.54	16.25	15.96	15.65	15.34	15.02	14.69	14.36	14.02
45	17.09	16.81	16.52	16.22	15.91	15.60	15.28	14.95	14.62	14.28	13.93
46	17.07	16.77	16.47	16.16	15.85	15.53	15.20	14.86	14.52	14.17	13.82
47	17.02	16.72	16.41	16.09	15.77	15.44	15.10	14.76	14.41	14.05	13.69
48	16.94	16.63	16.32	15.99	15.66	15.33	14.98	14.63	14.27	13.91	13.54
49	16.85	16.53	16.20	15.87	15.53	15.19	14.84	14.48	14.11	13.74	13.36
50	16.72	16.39	16.06	15.72	15.38	15.02	14.67	14.30	13.93	13.55	13.16
51	16.56	16.23	15.89	15.54	15.19	15.83	14.46	14.09	13.71	13.32	12.93
52	16.36	16.02	15.68	15.32	14.97	14.60	14.22	13.84	13.46	13.07	12.67
53	16.36	14.78	14.43	15.07	14.70	14.33	13.95	13.56	13.17	12.77	12.38
54	15.85	15.49	14.13	14.77	14.39	14.01	13.63	13.24	12.84	12.44	12.04

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**Life commutation rates for other cases**

20	24.31	55	15.52
21	24.16	56	15.16
22	24.01	57	14.79
23	23.86	58	14.42
24	23.69	59	14.04
25	23.52	60	13.65
26	23.35	61	13.26
27	23.16	62	12.86
28	22.97	63	12.46
29	22.77	64	12.06
30	22.57	65	11.66
31	22.35	66	11.26
32	22.13	67	10.85
33	21.90	68	10.45
34	21.67	69	10.05
35	21.43	70	9.66
36	21.18	71	9.27
37	20.92	72	8.91
38	20.65	73	8.57
39	20.38	74	8.23
40	20.10	75	7.90
41	19.81	76	7.58
42	19.55	77	7.26
43	19.28	78	6.95
44	19.01	79	6.64
45	18.73	80	6.35
46	18.44	81	6.06
47	18.15	82	5.78
48	17.84	83	5.51
49	17.53	84	5.25
50	17.22	85	5.00
51	16.89	86	4.75
52	16.56	87	4.52
53	16.22	88	4.30
54	15.86	89	4.08

## Appendix III

### Minimum Pension Benefits

1. With effect from 6th April 1989, the minimum rates and the conditions of award of such minimum rates of retired pay and pensions in respect of members of the Armed Forces Pension Scheme shall be as specified in the paragraphs below.
2. The provisions of this Appendix override all other provisions, whenever made, relating to the award, suspension or forfeiture of retired pay and pensions which would otherwise prevent or limit in duration or amount the award of pensions under the provisions of this Appendix. This Appendix does not, however, restrict in any way the award of such higher rate of retired pay or pension as may be payable in accordance with the provisions of this Warrant, in substitution of a pension provided for in this Appendix.
3. The provisions of this Appendix relate to members of the Armed Forces Pension Scheme, membership of which includes all members of the Regular Army (excluding forces locally enlisted overseas, Gurkha Commissioned Officers, Queen's Gurkha Commissioned Officers and Gurkha soldiers of the Brigade of Gurkhas), and Queen Alexandra's Royal Army Nursing Corps, except officers serving on pensionable short service commissions. Membership includes those members of the permanent cadre of the former Ulster Defence Regiment who join or rejoin the Service after 21st April 1977 or who were in Service on 20th April 1977 and who opted to transfer to the conditions of the Armed Forces Pension Scheme.

#### **Requisite benefit pensions**

4. From pension benefit age or from the day following cessation of full pay service, whichever is the later, a pension at the rate set out hereunder shall be payable to a member of the Armed Forces Pension Scheme provided that at least 5 years (2 years if serving on or after 6th April 1988) service either contracted-out or reckonable has been given; and his pension rights have not been transferred to another pension scheme:
  - a. An annual pension equal to 1¼ per cent of final pensionable salary as defined in paragraph 9 for each year of contracted-out service as defined in paragraph 10 up to a maximum of 40 such years.
  - b. Where contracted-out service is less than a year or exceeds a whole number of years, the calculation shall include the fraction of a year expressed as the number of additional days divided by 365.

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5. Upon the death at any time of a member of the Armed Forces Pension Scheme who has given at least 5 years (2 years if serving on or after 6th April 1988) service, either contracted-out or reckonable, and has not had his pension rights transferred to another scheme and immediate pension shall be payable to the surviving spouse or surviving civil partner. The annual rate of surviving spouse's or surviving civil partner's pension shall be one half of the same proportion of their Service spouse's or Service civil partner's retired pay or pension as his service from the 6th April 1978 bears to the whole of his reckonable service, or an attributable surviving spouse's or surviving civil partner's pension as provided for in Article **254** or **257** and **Table 24, Appendix VIII** apportioned according to the amount of the Service spouse's or Service civil partner's service given on or after 6th April 1978. No addition will, however, be payable in respect of any child unless it satisfies the conditions of eligibility set out in Article **222**.

#### **Guaranteed minimum pensions**

6. If a member of the Armed Forces Pension Scheme has a guaranteed minimum in relation to the pension for him under the Scheme in respect of service prior to 6 April 1997, in accordance with Section 14 of the Pension Schemes Act 1993, the following provisions shall apply:
  - a. The member shall be entitled to receive from the Scheme from State pension age a pension payable for the remainder of his lifetime at a rate equivalent to a weekly rate of not less than that guaranteed minimum. If he is still serving in the regular Armed Forces of the Crown, payment may be postponed, but in the event of service continuing after the age of 70 in the case of a male and 65 in the case of a woman, continued postponement of payment of the said guaranteed minimum shall be subject to the member's consent.
  - b. Save as provided for in sub-para d if the member, being male, dies at any time and leaves a surviving spouse or surviving civil partner a pension shall be provided for them under the Scheme at a rate equivalent to a weekly rate of not less than half that guaranteed minimum. In the event that the surviving spouse or surviving civil partner forms a subsequent marriage or civil partnership, the pension will cease to be paid. In the event that, before state pension age the surviving spouse or surviving civil partner is shown to be living with (as the case may be) a person of the opposite sex as if they were husband and wife or a person of the same sex as if they were civil partners, the pension provided for in this sub-paragraph shall cease. In the event that, on or after reaching state Pension age, the surviving spouse or surviving civil partner is shown to be living with (as the case may be) a person of the opposite sex as if they were husband and wife or a person of the same sex as if they were civil partners, the pension provided for in this sub-paragraph will be payable.
  - c. Save as provided for in sub-para d if the member, being female, dies on or after 6th April 1989 leaving a surviving spouse or surviving civil partner, a pension shall be provided for them under the Scheme at a rate equivalent to a weekly rate of not less than half of that part of the

### Appendix III

member's guaranteed minimum which is attributable to earnings for the tax year 1988/89 and subsequent tax years. In the event that the surviving spouse or surviving civil partner forms a subsequent marriage or civil partnership, the pension will cease to be paid. In the event that, before state pension age, the surviving spouse or surviving civil partner lives with (as the case may be) a person of the opposite sex as if they were husband and wife or a person of the same sex as if they were civil partners, the pension provided for in this sub-paragraph will cease. In the event that, on or after reaching state pension age, the pension provided for in the sub paragraph will be payable.

- d. If the member dies on or after 6th April 1989 leaving a surviving civil partner, a pension shall be provided for the surviving civil partner under the Scheme at a rate equivalent to a weekly rate of not less than half of that part of the member's guaranteed minimum which is attributable to earnings for the tax year 1988/89 and subsequent tax years. In the event that the surviving civil partner forms a subsequent civil partnership, the pension will cease to be paid. In the event that, before state pension age, the surviving civil partner lives with a person of the same sex as if they were civil partners, the pension provided for in this sub paragraph will cease. In the event that, on or after reaching state pension age, the surviving civil partner lives with a person of the same sex as if they were civil partners, the pension provided for in this sub-paragraph will be payable.

7. If the commencement of any member's guaranteed minimum pension in respect of service prior to 6th April 1997 is postponed for any period his guaranteed minimum shall be increased to the extent, if any, specified in Section 35(6), (6A) and (6B) of the Social Security Pensions Act 1975, as amended from time to time.

### Definitions

8. Final pensionable salary. This is the averaged annual rate of the aggregate of the earnings in respect of which contracted-out rates of National Insurance contributions have been paid, less the averaged annual rate of a sum equal to the aggregate of 1½ times that part of those earnings in which the rate of National Insurance contribution was equal to the rate payable on earnings up to the lower earnings limit; and which earnings were received in a period not exceeding three consecutive years ending on the 31st March immediately preceding the date on which pensionable service in the regular Armed Forces of the Crown ceased.
9. Contracted-out service. This means service in any of the regular Armed Forces of the United Kingdom, during which contracted-out rates of National Insurance contributions were paid in respect of the emoluments received for such service.
10. Reckonable service. The following periods given from age 21 in the case of officers or from age 18 in the case of other ranks shall be included in assessing reckonable service for the purpose of this Appendix:

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- a. Subject to sub paras **10(c)**, (d), (e) and (f), full pay service (including mobilized or embodied service or for the purpose of training) as an officer rating or other rank of any of the regular Armed Forces of the United Kingdom, their Reserve or Auxiliary Forces, the former Armed Forces of India or Burma, and the Armed Forces of the Commonwealth or a colony provided that where appropriate such service would be reckonable as qualifying service under Navy or Royal Air Force regulations, and that broken periods of training while a member of the Auxiliary and Reserve Forces each of less than six months duration shall not reckon.
- b. Periods in appointments not remunerated from Defence Votes which the Secretary of State for Defence considers can reasonably be regarded as part of an officer's or soldier's career as such. These shall be appointments to which the officer or soldier brings his Service knowledge and from which he acquires additional experience and which have been officially offered to him as part of his Service career.
- c. In the case of an officer, rating or other rank who re-enters service on or after 1st April 1985, all service since 31st March 1975 shall be included. Service preceding 31 March 1975 shall not be included unless specially allowed by the Secretary of State for Defence, and eligibility to reckon such previous service will normally be determined at the time of resumption of service. Where during a break in service the officer or other rank has been a member of any of the Reserve of Auxiliary Forces of the United Kingdom, undertaking or liable for periodical training, the period of such membership will not be considered an interval in service for the purpose of deciding whether the previous service is admissible.
- d. In the case of previous service where the break in service was more than one month in duration and in respect of which the officer, rating, or other rank received a Service gratuity, or in any case of previous service other than in the forces of the United Kingdom it may be stipulated as a condition for allowing such service to reckon for pension that the officer or other rank shall make a payment to Defence funds either in a lump sum or otherwise.
- e. In the case of previous service where the break in service was more than one month in duration and in respect of which a preserved pension has been awarded or a contribution equivalent premium paid it shall be a condition for allowing such service to count as reckonable service in the current period of service that with the agreement of the officer or other rank the preserved pension is cancelled or the contribution equivalent premium is refunded by the Department for Work and Pensions.
- f. If an officer or other rank has continued to draw concurrently with full pay the pension payable in respect of previous service the further service will not normally be treated as reckonable service.



### Appendix III

#### **Diversion, suspension and forfeiture of pensions**

11. Any assignment or attempted assignment of a pension provided for in this Appendix shall be void. Except as provided for in paragraph 12 below no pension provided for in this Appendix shall be commutable.
12. In cases where a guaranteed minimum pension has become payable and the total pension benefits (including the pension equivalent of any lump sums) payable to a member, surviving spouse or surviving civil partner under the provisions of the Armed Forces Pension Scheme would not exceed such amount which may be prescribed from time to time by regulations made under paragraph 15(4) of schedule 16 to the Social Security Act 1973 and section 39(1) of the Social Security Pensions Act 1975, it shall be permissible to commute such pensions for a tax free lump sum in accordance with life commutation tables prepared by the Government Actuary current at the time of commutation.
13. During any period in which a pensioner is, in the opinion of the Secretary of State, unable to act by reason of mental disorder or otherwise it shall be permissible to divert any pension payable in accordance with this Appendix, or such part of such pension as appears necessary for his care and maintenance, to his surviving spouse or surviving civil partner, son, daughter or any other person in whose care he maybe or who may be responsible for the cost of his care and maintenance. Where only part of the pension is so diverted the balance shall be held for the pensioner until he able to act or, as the case may be, for his estate.
14. During periods of imprisonment or detention in legal custody of the pensioner it shall be permissible to divert any pension payable in accordance with this Schedule to one or more of the pensioner's dependants as the Secretary of State may in his discretion determine.
15. Pensions awarded under paragraphs 4 and 5 of this Appendix shall be liable to forfeiture in the following circumstances:
  - a. If the member is convicted of the offence of treason or one or more offences under the Official Secrets Act 1911 to 1989 for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms, amounting in the aggregate to, at least 10 years.
  - b. On the member's being convicted of an offence committed by him in connection with service in the Armed Forces of the Crown and which is certified by a minister of the Crown to have been gravely injurious to the State.
- 15A. Pensions awarded under paragraph 5 of this Appendix shall be liable to forfeiture if the member's surviving spouse or surviving civil partner is convicted of the offence of murder or manslaughter of that member or any other offence of which unlawful killing of that member is an element.
16. Pensions awarded under the provision of paragraph 6 of this Appendix shall be liable to forfeiture in the circumstances described in paragraph

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15a, and also where the person entitled to the benefit or, as the case may be, the member of the Armed Forces, has in the opinion of the Secretary of State for Defence committed an act which is gravely prejudicial to the defence, security or other interests of the State; and where forfeiture of a member's guaranteed minimum pension is permitted by this paragraph the prospective surviving spouse's or surviving civil partner's guaranteed minimum pension may also be forfeited.

#### **Uprating of pensions**

17. Pensions awarded in accordance with paragraphs 4 and 5 of this Appendix shall be eligible for increase under the relevant Armed Forces Pensions Increase Measures. The guaranteed minimum pensions referred to in paragraph 6 shall, insofar as they are attributable to earnings in the tax years from (and including) 1988/1989, be increased in accordance with the requirements of Section 37A of the Social Security Pensions Act 1975 and to the extent of any orders made thereunder.



## Appendix IV

### Resettlement Commutation Scheme

Table of approximate amounts of retired pay or pension to be commuted up to the age of 55 to raise each £100 of capital (all ranks).

For each £100 (one hundred pounds) realized by commutation, the annual rate of retired pay or pension will be reduced by the following approximate amounts:

Age at nearest birthday on day following last day of service	Appropriate annual reduction in retired pay or pension
	£
30	9.80
31	9.92
32	10.06
33	10.19
34	10.37
35	10.55
36	10.76
37	11.02
38	11.29
39	11.62
40	11.97
41	12.40
42	12.91
43	13.48
44	14.18
45	15.04
46	16.10
47	17.43
48	19.18
49	21.51
50	24.78
51	29.73
52	38.01
53	54.59
54	104.49
55	100.00

**Notes.** 1. This table is only a guide. The actual reduction in retired pay or pension will vary according to the period from the date of retired pay or pension as a result of commutation up to age 55.

2. These rates may change at any time without notice.



## **Appendix V**

# **Compensation for Criminal Injuries Sustained Overseas**

1. Payments under the provision of this Appendix are outside the scope of the Armed Forces Pension Scheme.
2. The Defence Council may make, ex gratia, a lump sum payment to officers and soldiers and their accompanying eligible children dependents<sup>28</sup>, who, while outside the United Kingdom by reason of service, sustain injury (including death) directly attributable to a crime of violence. Whether to award such compensation, and if so, the amount, shall be wholly within the discretion of the Defence Council.

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<sup>28</sup> Eligible dependants are spouse and children as defined in Part IV of this Royal Warrant.



# Appendix VI

**Reserved**



# Appendix VII

**Reserved**





# Appendix VIII

## Rates

### Section 1—General

#### 1. Contents

Retired pay  
Attributable Gratuities  
Pensions  
Invaliding Gratuities  
Attributable Family Pensions

#### 2. Format

The tables contained in Appendix VIII are compiled in a tri-service format based on NATO Grade codings. The key to their equivalent rank is shown here:

##### *Officers*

OF2	Captain
OF3	Major
OF4	Lt Colonel
OF5	Colonel, Deputy Chaplain General
OF6	Brigadier

##### *Other Ranks*

OR3	Below Corporal
OR4	Corporal
OR6	Sergeant
OR7	Staff Sergeant
OF8	Warrant Officer, Class 2
OR9	Warrant Officer, Class 1

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## Section 2—Rates of Service Retired Pay Paid on Compulsory Retirement

TABLE 1 RESERVED

TABLE 2

### RATES OF SERVICE RETIRED PAY PAID ON COMPULSORY RETIREMENT OFFICERS

(including Chaplains and Officers of the Royal Irish (Home Service Full Time))

*(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)*

(£ a year)

Number of years reckonable service over age 21	OF2 and below	OF3	OF4	OF5	OF6	Chaplain	Principal Chaplain
	£	£	£	£	£	£	£
16	10,866	12,942	16,969	19,648	23,452	12,942	16,969
17	11,367	13,556	17,754	20,557	24,367	14,114	17,972
18	11,868	14,171	18,539	21,466	25,281	15,287	18,975
19	12,369	14,786	19,324	22,375	26,195	16,459	19,978
20	12,870	15,401	20,109	23,284	27,110	17,631	20,982
21	13,371	16,015	20,894	24,193	28,024	18,804	21,985
22	13,872	16,630	21,679	25,102	28,938	19,976	22,988
23	14,372	17,245	22,464	26,011	29,853	21,149	23,991
24	14,873	17,859	23,249	26,920	30,767	22,321	24,994
25	15,374	18,474	24,034	27,828	31,681	23,493	25,998
26	15,875	19,089	24,819	28,737	32,596	24,666	27,001
27	16,376	19,703	25,604	29,646	33,510	25,838	28,004
28	16,877	20,318	26,389	30,555	34,424	27,011	29,007
29	17,377	20,933	27,174	31,464	35,339	28,183	30,011
30	17,878	21,548	27,959	32,373	36,253	29,355	31,014
31	18,379	22,162	28,745	33,282	37,167	30,528	32,017
32	18,880	22,777	29,530	34,191	38,082	31,700	33,020
33	19,381	23,392	30,315	35,100	38,996	32,873	34,024
34	19,882	24,006	31,100	36,009	39,910	34,045	35,027

## Appendix VIII

TABLE 3

### RATES OF SERVICE RETIRED PAY SENIOR OFFICERS

*(Applicable to officers below the rank of Field Marshal who give full pay service on or after 31st March 2005)*

(% of pensionable earnings)

Number of years reckonable service	Major General	Lieutenant General	General	Chaplain General
	%	%	%	%
22				35.4
23				36.6
24	38.5			37.9
25	39.7			39.1
26	40.8			40.3
27	42.0	42.0		41.5
28	43.1	43.1		42.7
29	44.3	44.3		43.9
30	45.4	45.4	45.4	45.1
31	46.6	46.6	46.6	46.4
32	47.7	47.7	47.7	47.6
33	48.9	48.9	48.9	48.8
34	50.0	50.0	50.0	50.0

#### Notes:

1. All Senior Officers, other than Medical and Dental Officers, will be awarded retired pay calculated as a percentage of their pensionable earnings at rates shown above in Table 3.
2. Pensionable earnings are defined as the total amount of basic pay received during the year ending on the day prior to retirement or the amount of basic pay received during any 12 month period within 3 years prior to retirement, whichever is the higher.

TABLE 4

### RATE OF SERVICE RETIRED PAY FIELD MARSHALS

(£ per year)

Half Pay at a rate of:	£99,080
Active List Retired Pay at the Rate of:	£96,108

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TABLE 5

RATES OF SERVICE RETIRED PAY SENIOR MEDICAL/DENTAL OFFICERS

*(Applicable to officers below the rank of Field Marshal who give full pay service on or after 31st March 2005)*

(£ per year)

Number of years reckonable service over age 21	Major Gen (Senior Medical/Dental Officer)	Lt Gen (Senior Medical/Dental Officer)	General (Senior Medical/Dental Officer)
	£	£	£
22			
23			
24	34,309		
25	35,328		
26	36,348		
27	37,368	47,334	
28	38,387	48,626	
29	39,407	49,918	
30	40,426	51,209	65,854
31	41,446	52,501	67,514
32	42,465	53,792	69,175
33	43,485	55,084	70,836
34	44,505	56,375	72,496

Note:

1. Senior Medical and Dental Officers (2 Star rank and above) will not be awarded retired pay under a final salary arrangement, but will be awarded retired pay at pension code rates shown above in Table 5. The rates are to be used in conjunction with the pension supplements shown in Table 7 within Appendix VIII.

TABLE 6

PENSION SUPPLEMENT FOR SERVICE MEDICAL AND DENTAL OFFICERS – 2005

*(Rate of addition to annual rate of pension for each day served on or after 1 April 1997)*

(£ per day)

	GMP & GDP (Accredited)	Consultant (Accredited)	GMP & GDP & Consultant (Non Accredited)
	1.4.05	1.4.05	1.4.05
	£	£	£
OF2 and below	0.772		0.522
OF3	1.637	1.350	0.907
OF4	1.295	1.527	0.609
OF5	1.011	1.432	0.434
OF6	1.172	1.172	

## Appendix VIII

TABLE 7

### PENSION SUPPLEMENT FOR SENIOR MEDICAL AND DENTAL OFFICERS (2 STAR RANK AND ABOVE) – 2005

*(Rate of addition to annual rate of pension for each day served on or after 1 April 1997 –  
to be paid in conjunction with the Representative rates shown in Table 5)*

(£ per day)		
	<b>2 Star</b>	<b>3 Star</b>
	1.4.05	1.4.05
Senior Medical and Dental Officers	1.15	0.41

TABLE 8

### RATES OF SERVICE RETIRED PAY PAID ON COMPULSORY RETIREMENT SPECIAL AIR SERVICE (SAS) - OFFICERS

*(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)*

(£ per year)		
Number of years reckonable service	<b>OF2 and below</b>	<b>OF3</b>
	£	£
16	15,343	15,849
17	15,941	16,530
18	16,539	17,210
19	17,137	17,890
20	17,735	18,571
21	18,333	19,251
22	18,932	19,931
23	19,530	20,612
24	20,128	21,292
25	20,726	21,972
26	21,324	22,653
27	21,922	23,333
28	22,520	24,014
29	23,119	24,694
30	23,717	25,374
31	24,315	26,055
32	24,913	26,735
33	25,511	27,415
34	26,109	28,096

TABLE 9 RESERVED

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### Section 3—Standard Rates of Service Retired Pay paid on premature voluntary retirement

TABLE 10

#### STANDARD RATES OF SERVICE RETIRED PAY PAID ON PREMATURE VOLUNTARY RETIREMENT OFFICERS

(including Chaplains Officers of the Royal Irish (Home Service Full Time))

*(Applicable to officers who are allowed premature retirement or are required to resign on or after 31st March 2005)*

(£ per year)

Number of years reckonable service over age 21	OF2 and below	OF3	OF4	OF5	OF6	Chaplain 1,2,3,4 Class	Principal Chaplain
	£	£	£	£	£	£	£
16	9,543	11,523	14,928	17,284	19,157	11,523	14,928
17	10,140	12,243	15,861	18,364	20,354	12,805	16,088
18	10,736	12,963	16,794	19,445	21,552	14,086	17,248
19	11,333	13,684	17,727	20,525	22,749	15,368	18,409
20	11,929	14,404	18,660	21,605	23,946	16,649	19,569
21	12,525	15,124	19,593	22,685	25,143	17,931	20,729
22	13,122	15,844	20,526	23,766	26,341	19,212	21,889
23	13,718	16,564	21,459	24,846	27,538	20,494	23,049
24	14,315	17,285	22,392	25,926	28,735	21,775	24,210
25	14,911	18,005	23,325	27,006	29,933	23,057	25,370
26	15,508	18,725	24,258	28,087	31,130	24,338	26,530
27	16,104	19,445	25,191	29,167	32,327	25,620	27,690
28	16,701	20,165	26,124	30,247	33,525	26,902	28,850
29	17,377	20,933	27,174	31,464	34,722	28,183	30,011
30	17,878	21,548	27,959	32,373	35,919	29,355	31,014
31	18,379	22,162	28,745	33,282	37,167	30,528	32,017
32	18,880	22,777	29,530	34,191	38,082	31,700	33,020
33	19,381	23,392	30,315	35,100	38,996	32,873	34,024
34	19,882	24,006	31,100	36,009	39,910	34,045	35,027

Appendix VIII

TABLE 11

STANDARD RATES OF SERVICE RETIRED PAY PAID ON PREMATURE VOLUNTARY  
RETIREMENT SPECIAL AIR SERVICE (SAS) — OFFICERS

| (*Applicable to officers who are allowed premature retirement or are required to resign on or after 31st March 2005*)

Number of years reckonable service	(£ per year)	
	OF2 and below	OF3
	£	£
16	12,533	13,486
17	13,316	14,329
18	14,099	15,172
19	14,882	16,015
20	15,666	16,857
21	16,449	17,700
22	17,232	18,543
23	18,015	19,386
24	18,799	20,229
25	19,582	21,072
26	20,365	21,915
27	21,149	22,757
28	21,932	23,600
29	22,715	24,443
30	23,498	25,374
31	24,315	26,055
32	24,913	26,735
33	25,511	27,415
34	26,109	28,096

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## Section 4—Service Invaliding Retired Pay

TABLE 12

### SERVICE INVALIDING RETIRED PAY OFFICERS

(including Chaplains and Officers of the Royal Irish (Home Service Full Time))

(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)

Number of years reckonable service over age 21	(£ per year)						
	OF2 and below	OF3	OF4	OF5	OF6	Chaplain	Principal Chaplain
	£	£	£	£	£	£	£
2*	2,386						
3*	3,579						
4*	4,772						
5	5,965	7,202	9,330	10,803	11,973	5,965	9,330
6	6,500	7,848	10,167	11,772	13,048	6,723	10,167
7	7,035	8,495	11,005	12,742	14,122	7,482	11,005
8	7,570	9,141	11,842	13,711	15,197	8,241	11,842
9	8,106	9,787	12,679	14,680	16,271	9,000	12,679
10	8,641	10,434	13,516	15,650	17,346	9,759	13,516
11	9,176	11,080	14,354	16,619	18,420	10,517	14,354
12	9,711	11,726	15,191	17,589	19,495	11,276	15,191
13	10,247	12,373	16,028	18,558	20,569	12,035	16,028
14	10,782	13,019	16,866	19,528	21,644	12,794	16,866
15	11,317	13,665	17,703	20,497	22,718	13,553	17,703
16	11,853	14,311	18,540	21,467	23,793	14,311	18,540
17	12,388	14,958	19,378	22,436	24,867	15,627	19,639
18	12,923	15,604	20,215	23,406	25,942	16,943	20,738
19	13,458	16,250	21,052	24,375	27,016	18,258	21,838
20	13,994	16,897	21,889	25,345	28,091	19,574	22,937
21	14,529	17,543	22,727	26,314	29,165	20,889	24,036
22	15,064	18,189	23,564	27,283	30,240	22,205	25,135
23	15,599	18,836	24,401	28,253	31,314	23,521	26,234
24	16,135	19,482	25,239	29,222	32,389	24,836	27,333
25	16,670	20,128	26,076	30,192	33,463	26,152	28,432
26	17,205	20,775	26,913	31,161	34,538	27,467	29,531
27	17,741	21,421	27,751	32,131	35,612	28,783	30,630
28	18,276	22,067	28,588	33,100	36,687	30,098	31,730
29	18,811	22,714	29,425	34,070	37,761	31,414	32,829
30	19,346	23,360	30,262	35,039	38,836	32,730	33,928
31 or more	19,882	24,006	31,100	36,009	39,910	34,045	35,027

Note:

- \*Applicable only to officers with 5 years qualifying service.



Appendix VIII

TABLE 13

SERVICE INVALIDING RETIRED PAY SENIOR OFFICERS

*(Applicable to Senior Officers who give full pay service on or after 31st March 2005)*

(£ per year)					
Number of years reckonable service over age 21	Major General	Lieutenant General	General	Chief of the Defence Staff	Chaplain General
	£	£	£	£	£
19	30,126	38,162	49,074		
20	31,324	39,680	51,026		
21	32,523	41,197	52,978		
22	33,721	42,715	54,930		30,240
23	34,919	44,233	56,882		31,314
24	36,117	45,751	58,834		32,389
25	37,315	47,269	60,785		33,463
26	38,514	48,786	62,737		34,538
27	39,712	50,304	64,689		35,612
28	40,910	51,822	66,641		36,687
29	42,108	53,340	68,593		37,761
30	43,306	54,858	70,545		38,836
31 or more	44,505	56,375	72,496		39,910

Note: CDS Invaliding rate will be calculated on a final salary arrangement. This will be equal to the 34 year rate of Service Retired Pay.

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TABLE 14

SERVICE INVALIDING RETIRED PAY SPECIAL AIR SERVICE (SAS) - OFFICERS

*(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)*

Number of years reckonable service	OF2 and below	OF3
	£	£
*2	3,133	
*3	4,700	
*4	6,266	
5	7,833	8,429
6	8,536	9,185
7	9,239	9,942
8	9,942	10,698
9	10,645	11,454
10	11,348	12,211
11	12,051	12,967
12	12,753	13,724
13	13,456	14,480
14	14,159	15,236
15	14,862	15,993
16	15,565	16,749
17	16,268	17,506
18	16,971	18,262
19	17,674	19,019
20	18,377	19,775
21	19,080	20,531
22	19,783	21,288
23	20,486	22,044
24	21,189	22,801
25	21,892	23,557
26	22,595	24,314
27	23,298	25,070
28	24,001	25,826
29	24,704	26,583
30	25,406	27,339
31 or more	26,109	28,096

Note:

- \*Applicable only to Officers with 5 years qualifying service.

TABLE 15 RESERVED

Appendix VIII

**Section 5—Service Attributable Retired Pay**

TABLE 16

**SERVICE ATTRIBUTABLE RETIRED PAY AND  
HIGHER SERVICE ATTRIBUTABLE RETIRED PAY<sup>1</sup> - OFFICERS**

(including Chaplains and Officers of the Royal Irish (Home Service Full Time))

(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)

(£ per year)

Percentage degree of Disability	OF2 and below	OF3	OF4	OF5	OF6	Chaplain (less than 20 years service)	Chaplain (20 or more years service)	Principal Chaplain
%	£	£	£	£	£	£	£	£
20	6,583	8,233	11,071	13,034	14,595	8,233	12,249	12,641
30	7,887	9,949	13,496	15,950	17,901	9,949	14,969	15,460
40	9,190	11,665	15,921	18,867	21,208	11,665	17,689	18,278
50	11,488	14,582	19,902	23,583	26,510	14,582	22,111	22,847
60	12,792	16,298	22,327	26,500	29,816	16,298	24,831	25,665
70	14,095	18,014	24,752	29,416	33,122	18,014	27,550	28,483
80	17,055	21,730	29,769	35,333	39,754	21,730	33,107	34,220
90	18,359	23,446	32,195	38,249	43,061	23,446	35,827	37,038
100	19,662	25,162	34,620	41,165	46,367	25,162	38,547	39,856

Note:

1. The term “Higher Service Attributable Retired Pay” is only applicable to ex-regulars who are recalled into permanent service.

TABLE 16A

**LOWER SERVICE ATTRIBUTABLE RETIRED PAY<sup>1</sup> - OFFICERS**

(Applicable to officers who give full pay service on or after 31st March 2005)

(£ per year)

Percentage degree Disability	£
%	
20	848
30	946
40	1,044
50	1,305
60	1,403
70	1,501
80	1,871
90	1,968
100	2,066

Note:

1. The term “Lower Service Attributable Pension” is only applicable to ex-regulars who are recalled into permanent service.”

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TABLE 17

SERVICE ATTRIBUTABLE RETIRED PAY SENIOR OFFICERS

*(Applicable to Senior Officers who give full pay service on or after 31st March 2005)*

(£ per year)

Percentage degree of Disability	Major General	Lieutenant General	General	Chief of the Defence Staff	Chaplain General
%	£	£	£	£	£
20	16,433	21,181	27,629	39,606	14,595
30	20,198	26,134	34,194	49,501	17,901
40	23,964	31,087	40,759	59,395	21,207
50	29,955	38,858	50,949	74,244	26,509
60	33,721	43,811	57,514	84,139	29,816
70	37,487	48,764	64,079	94,034	33,122
80	44,961	58,415	76,685	106,813	39,754
90	48,727	63,368	83,250	116,037	43,060
100	52,493	68,321	89,815	125,260	46,367

TABLE 18

SERVICE ATTRIBUTABLE RETIRED PAY SPECIAL AIR SERVICE (SAS) - OFFICERS

*(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)*

Percentage degree of Disability	OF2 and below	OF3
%	£	£
20	9,074	9,869
30	11,001	11,994
40	12,927	14,119
50	16,159	17,649
60	18,085	19,773
70	20,011	21,898
80	24,114	26,365
90	26,040	28,489
100	27,966	30,614

TABLE 19 RESERVED

Appendix VIII

**Section 6—Attributable Gratuity**

TABLE 20

**ATTRIBUTABLE GRATUITY AND HIGHER ATTRIBUTABLE GRATUITY - OFFICERS**

(including Chaplains and Officers of the Royal Irish (Home Service Full Time))

(Applicable to officers who give full pay service on the Active List on or after 31st March 2005)

(£ one-off lump sum)

Percentage degree of Disability	OF2 and below	OF3	OF4	OF5	OF6	Chaplain (less than 20 years service)	Chaplain (20 or more years service)	Principal Chaplain
%	£	£	£	£	£	£	£	£
20	3,976	4,801	6,220	7,202	7,982	4,801	6,809	7,005
30	5,965	7,202	9,330	10,803	11,973	7,202	10,214	10,508
40	7,953	9,603	12,440	14,403	15,964	9,603	13,618	14,011
50	9,941	12,003	15,550	18,004	19,955	12,003	17,023	17,513
60	11,929	14,404	18,660	21,605	23,946	14,404	20,427	21,016
70	13,917	16,804	21,770	25,206	27,937	16,804	23,832	24,519
80	15,905	19,205	24,880	28,807	31,928	19,205	27,236	28,021
90	17,894	21,606	27,990	32,408	35,919	21,606	30,641	31,524
100	19,882	24,006	31,100	36,009	39,910	24,006	34,045	35,027

Note:

1. The term “Higher Attributable Gratuity” is only applicable to ex-regulars who are recalled into permanent service.

TABLE 20A

**LOWER RATES OF ATTRIBUTABLE GRATUITY<sup>1</sup> - OFFICERS**

(Applicable to officers who give full pay service on or after 31st March 2005)

(£ one-off lump sum)

Percentage degree Disability	£
%	
20	652
30	978
40	1,305
50	1,631
60	1,957
70	2,283
80	2,609
90	2,953
100	3,261

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TABLE 21

ATTRIBUTABLE GRATUITY SENIOR OFFICERS

*(Applicable to officers who give full pay service on or after 31st March 2005)*

(£ one-off lump sum)

Percentage degree of Disability	Major General	Lieutenant General	General	Chief of the Defence Staff	Chaplain General
%	£	£	£	£	£
20	8,901	11,275	14,499	19,816	7,982
30	13,351	16,913	21,749	29,724	11,973
40	17,802	22,550	28,999	39,632	15,964
50	22,252	28,188	36,248	49,540	19,955
60	26,703	33,825	43,498	59,448	23,946
70	31,153	39,463	50,747	69,356	27,937
80	35,604	45,100	57,997	79,264	31,928
90	40,054	50,738	65,247	89,172	35,919
100	44,505	56,375	72,496	99,080	39,910

TABLE 22

ATTRIBUTABLE GRATUITY SPECIAL AIR SERVICE (SAS) - OFFICERS

*(Applicable to officers who give full pay service on or after 31st March 2005)*

(£ one-off lump sum)

Percentage degree of Disability	OF2 and below	OF3
%	£	£
20	5,222	5,619
30	7,833	8,429
40	10,444	11,238
50	13,055	14,048
60	15,666	16,857
70	18,277	19,667
80	20,888	22,477
90	23,498	25,286
100	26,109	28,096

TABLE 23 RESERVED

## Appendix VIII

### Section 7—Rates of Service Pension

TABLE 24

#### RATES OF SERVICE PENSION OTHER RANKS

(Warrant Officers, NCOs and privates (other than Maltese))

*(Applicable to soldiers who give full pay service on or after 31st March 2005)*

(£ per year)

Number of years reckonable service	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
%	£	£	£	£	£	£
22	6,422	8,296	9,094	10,360	11,060	11,761
23	6,646	8,586	9,412	10,721	11,446	12,171
24	6,870	8,875	9,729	11,083	11,832	12,582
25	7,094	9,165	10,047	11,444	12,218	12,992
26	7,318	9,454	10,364	11,806	12,604	13,403
27	7,543	9,744	10,681	12,168	12,990	13,813
28	7,767	10,033	10,999	12,529	13,377	14,224
29	7,991	10,323	11,316	12,891	13,763	14,634
30	8,215	10,613	11,634	13,252	14,149	15,045
31	8,439	10,902	11,951	13,614	14,535	15,455
32	8,663	11,192	12,269	13,976	14,921	15,866
33	8,888	11,481	12,586	14,337	15,307	16,276
34	9,112	11,771	12,903	14,699	15,693	16,687
35	9,336	12,060	13,221	15,060	16,079	17,097
36	9,560	12,350	13,538	15,422	16,465	17,508
37	9,784	12,640	13,856	15,784	16,851	17,918

#### Notes:

- Art 167: additions for Commissioned Service for each year:-  
3/7 of the difference between 36 & 37 year points WO1 scale, rounded to the nearest penny  
£175.71 for each year up to the maximum award of £18,473.  
**Maximum award is an average of the upper and lower rate of OR9, range 5, level 4 pay, which is then halved.**
- A soldier who has served in the Regular Army as a member of both a Maltese unit and a United Kingdom based unit and who is discharged to pension from a United Kingdom Regular Army engagement, may be granted an award assessed under Table 24. The period of his reckonable service with the Maltese unit shall count as two thirds of an equivalent period with the British Army. In cases where this results in a total reckonable service of less than 22 years the soldier may be granted a pension as a proportion of the 22 year rate.

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TABLE 25

RATES OF SERVICE PENSION SPECIAL AIR SERVICE (SAS) - OTHER RANKS

*(Applicable to SAS soldiers who give full pay service on or after 31st March 2005)*

(£ per year)

<b>Number of years reckonable service</b>	<b>OR3</b>	<b>OR4</b>	<b>OR6</b>	<b>OR7</b>	<b>OR8 Warrant Officer Class 2</b>	<b>OR9 Warrant Officer Class 1</b>
<b>%</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
22	9,798	11,171	11,953	13,450	14,166	15,186
23	10,140	11,560	12,370	13,920	14,660	15,716
24	10,482	11,950	12,787	14,389	15,155	16,246
25	10,824	12,340	13,204	14,859	15,649	16,776
26	11,166	12,730	13,621	15,328	16,144	17,306
27	11,508	13,120	14,039	15,798	16,638	17,836
28	11,850	13,510	14,456	16,267	17,133	18,367
29	12,192	13,900	14,873	16,737	17,627	18,897
30	12,534	14,290	15,290	17,206	18,122	19,427
31	12,876	14,680	15,707	17,676	18,616	19,957
32	13,218	15,070	16,125	18,145	19,111	20,487
33	13,560	15,460	16,542	18,614	19,605	21,017
34	13,902	15,849	16,959	19,084	20,099	21,547
35	14,244	16,239	17,376	19,553	20,594	22,077
36	14,587	16,629	17,793	20,023	21,088	22,607
37	14,929	17,019	18,211	20,492	21,583	23,137



Appendix VIII

**Section 8—Lower Rates of Service Pension**

TABLE 26

LOWER RATES OF SERVICE PENSION OTHER RANKS

(Warrant Officers, NCOs and privates (other than Maltese))

*(Applicable to soldiers who are discharged on grounds of misconduct, incapacity, unsuitability or inefficiency within their own control on or after 31st March 2005)*

(£ per year)

Number of years reckonable service	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
%	£	£	£	£	£	£
22	5,919	7,647	8,383	9,549	10,195	10,841
23	6,188	7,995	8,764	9,983	10,658	11,333
24	6,458	8,342	9,145	10,417	11,122	11,826
25	6,727	8,690	9,526	10,851	11,585	12,319
26	6,996	9,037	9,907	11,285	12,048	12,812
27	7,265	9,385	10,288	11,719	12,512	13,304
28	7,534	9,732	10,669	12,153	12,975	13,797
29	7,803	10,080	11,050	12,587	13,439	14,290
30	8,072	10,428	11,431	13,021	13,902	14,783
31	8,341	10,775	11,812	13,455	14,365	15,275
32	8,610	11,123	12,193	13,890	14,829	15,768
33	8,888	11,481	12,586	14,337	15,307	16,276
34	9,112	11,771	12,903	14,699	15,693	16,687
35	9,336	12,060	13,221	15,060	16,079	17,097
36	9,560	12,350	13,538	15,422	16,465	17,508
37	9,784	12,640	13,856	15,784	16,851	17,918

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TABLE 27

LOWER RATES OF SERVICE PENSION SPECIAL AIR SERVICE (SAS) - OTHER RANKS

*(Applicable to SAS soldiers who are discharged on grounds of misconduct, incapacity, unsuitability or inefficiency within their own control on or after 31st March 2005)*

(£ per year)

<b>Number of years reckonable service</b>	<b>OR3</b>	<b>OR4</b>	<b>OR6</b>	<b>OR7</b>	<b>OR8 Warrant Officer Class 2</b>	<b>OR9 Warrant Officer Class 1</b>
<b>%</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
22	9,032	10,297	11,017	12,398	13,058	13,998
23	9,442	10,765	11,518	12,961	13,651	14,634
24	9,853	11,233	12,019	13,525	14,245	15,271
25	10,263	11,701	12,520	14,089	14,838	15,907
26	10,674	12,169	13,021	14,652	15,432	16,543
27	11,084	12,637	13,521	15,216	16,025	17,179
28	11,495	13,105	14,022	15,779	16,619	17,816
29	11,905	13,573	14,523	16,343	17,212	18,452
30	12,316	14,041	15,024	16,906	17,806	19,088
31	12,727	14,509	15,525	17,470	18,399	19,724
32	13,137	14,977	16,025	18,033	18,993	20,361
33	13,560	15,460	16,542	18,614	19,605	21,017
34	13,902	15,849	16,959	19,084	20,099	21,547
35	14,244	16,239	17,376	19,553	20,594	22,077
36	14,587	16,629	17,793	20,023	21,088	22,607
37	14,929	17,019	18,211	20,492	21,583	23,137

TABLE 28 RESERVED

Appendix VIII

**Section 9—Service Invaliding Pension**

TABLE 29

**SERVICE INVALIDING PENSION OTHER RANKS**

(Warrant Officers, NCOs and privates (other than Maltese))

*(Applicable to soldiers who give full pay service on or after 31st March 2005)*

(£ per year)

Number of years reckonable service	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
	£	£	£	£	£	£
5	2,691	3,476	3,810	4,340	4,634	4,928
6	2,935	3,792	4,157	4,735	5,055	5,376
7	3,180	4,108	4,503	5,130	5,477	5,824
8	3,424	4,424	4,850	5,524	5,898	6,271
9	3,669	4,740	5,196	5,919	6,319	6,719
10	3,914	5,056	5,542	6,313	6,740	7,167
11	4,158	5,372	5,889	6,708	7,162	7,615
12	4,403	5,688	6,235	7,103	7,583	8,063
13	4,647	6,004	6,581	7,497	8,004	8,511
14	4,892	6,320	6,928	7,892	8,426	8,959
15	5,137	6,636	7,274	8,286	8,847	9,407
16	5,381	6,952	7,621	8,681	9,268	9,855
17	5,626	7,268	7,967	9,076	9,689	10,303
18	5,871	7,584	8,313	9,470	10,111	10,751
19	6,115	7,900	8,660	9,865	10,532	11,199
20	6,360	8,216	9,006	10,259	10,953	11,647
21	6,604	8,532	9,353	10,654	11,374	12,095
22	6,849	8,848	9,699	11,048	11,796	12,543
23	7,094	9,164	10,045	11,443	12,217	12,991
24	7,338	9,480	10,392	11,838	12,638	13,439
25	7,583	9,796	10,738	12,232	13,060	13,887
26	7,827	10,112	11,085	12,627	13,481	14,335
27	8,072	10,428	11,431	13,021	13,902	14,783
28	8,317	10,744	11,777	13,416	14,323	15,231
29	8,561	11,060	12,124	13,811	14,745	15,679
30	8,806	11,376	12,470	14,205	15,166	16,127
31	9,050	11,692	12,817	14,600	15,587	16,575
32	9,295	12,008	13,163	14,994	16,008	17,023
33	9,540	12,324	13,509	15,389	16,430	17,471
34 or more	9,784	12,640	13,856	15,784	16,851	17,918

Note:

1. A soldier who has served in the Regular Army as a member of both a Maltese unit and a United Kingdom based unit and who is invalided from a United Kingdom based Regular Army engagement may be granted an award assessed under Table 29 above. The period of his reckonable service with the Maltese unit shall count as two thirds of an equivalent period with the British Army. In cases where this results in a total reckonable service of less than 5 years the soldier may be granted an invaliding pension as a proportion of the 5 year rate.

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TABLE 30

SERVICE INVALIDING PENSION SPECIAL AIR SERVICE (SAS) - OTHER RANKS

*(Applicable to SAS soldiers who give full pay service on or after 31st March 2005)*

Number of years reckonable service	(£ per year)					
	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
	£	£	£	£	£	£
5	4,105	4,680	5,008	5,635	5,935	6,363
6	4,479	5,106	5,463	6,148	6,475	6,941
7	4,852	5,531	5,918	6,660	7,014	7,520
8	5,225	5,957	6,374	7,172	7,554	8,098
9	5,598	6,382	6,829	7,685	8,094	8,676
10	5,971	6,808	7,284	8,197	8,633	9,255
11	6,345	7,233	7,739	8,709	9,173	9,833
12	6,718	7,659	8,195	9,222	9,712	10,412
13	7,091	8,084	8,650	9,734	10,252	10,990
14	7,464	8,510	9,105	10,246	10,791	11,569
15	7,837	8,935	9,561	10,759	11,331	12,147
16	8,211	9,361	10,016	11,271	11,871	12,725
17	8,584	9,786	10,471	11,783	12,410	13,304
18	8,957	10,212	10,926	12,295	12,950	13,882
19	9,330	10,637	11,382	12,808	13,489	14,461
20	9,704	11,062	11,837	13,200	14,029	15,039
21	10,077	11,488	12,292	13,832	14,568	15,618
22	10,450	11,913	12,747	14,345	15,108	16,196
23	10,823	12,339	13,203	14,857	15,648	16,774
24	11,196	12,764	13,658	15,369	16,187	17,353
25	11,570	13,190	14,113	15,882	16,727	17,931
26	11,943	13,615	14,568	16,394	17,266	18,510
27	12,316	14,041	15,024	16,906	17,806	19,088
28	12,689	14,466	15,479	17,419	18,345	19,667
29	13,062	14,892	15,934	17,931	18,885	20,245
30	13,436	15,317	16,390	18,443	19,425	20,823
31	13,809	15,743	16,845	18,955	19,964	21,402
32	14,182	16,168	17,300	19,468	20,504	21,980
33	14,555	16,594	17,755	19,980	21,043	22,559
34 or more	14,929	17,019	18,211	20,492	21,583	23,137

TABLE 31 RESERVED

Appendix VIII

**Section 10—Service Attributable Pension**

TABLE 32

SERVICE ATTRIBUTABLE PENSION AND  
HIGHER SERVICE ATTRIBUTABLE PENSION<sup>1</sup> - OTHER RANKS

(Warrant Officers, NCOs and privates (other than Maltese))

(Applicable to soldiers who give full pay service on or after 31st March 2005)

(£ per year)

Percentage degree of Disability	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
%	£	£	£	£	£	£
20	2,544	3,687	4,173	4,944	5,371	5,798
30	2,838	4,266	4,874	5,838	6,372	6,905
40	3,132	4,845	5,575	6,732	7,372	8,013
50	3,915	6,057	6,969	8,414	9,215	10,016
60	4,209	6,636	7,670	9,308	10,216	11,123
70	4,503	7,215	8,371	10,202	11,216	12,230
80	5,612	8,848	10,226	12,411	13,621	14,830
90	5,905	9,427	10,927	13,305	14,621	15,938
100	6,199	10,006	11,628	14,198	15,622	17,045

Note:

1. The term “Higher Service Attributable Pension” is only applicable to ex-regulards who are recalled into permanent service.

TABLE 32A

LOWER RATES OF ATTRIBUTABLE PENSION<sup>1</sup> - OTHER RANKS

(Warrant Officers, NCOs and privates (other than Maltese))

(Applicable to officers who give full pay service on or after 31st March 2005)

(£ per year)

Percentage degree Disability	£
%	
20	848
30	946
40	1,044
50	1,305
60	1,403
70	1,501
80	1,871
90	1,968
100	2,066

Note:

1. The term “Lower Service Attributable Pension” is only applicable to ex-regulards who are recalled into permanent service.

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TABLE 33

SERVICE ATTRIBUTABLE PENSION SPECIAL AIR SERVICE (SAS) - OTHER RANKS

*(Applicable to SAS soldiers who give full pay service on or after 31st March 2005)*

(£ per year)

Percentage degree of Disability	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
	£	£	£	£	£	£
20	4,602	5,438	5,915	6,828	7,264	7,886
30	5,410	6,456	7,051	8,192	8,738	9,515
40	6,219	7,473	8,188	9,557	10,211	11,144
50	7,773	9,341	10,235	11,946	12,764	13,930
60	8,581	10,358	11,371	13,311	14,238	15,559
70	9,390	11,376	12,508	14,675	15,711	17,188
80	11,442	13,811	15,161	17,748	18,983	20,745
90	12,250	14,829	16,298	19,112	20,457	22,374
100	13,058	15,846	17,434	20,477	21,931	24,003

TABLE 34 RESERVED

## Appendix VIII

### Section 11—Attributable Gratuity

TABLE 35

#### ATTRIBUTABLE GRATUITY AND HIGHER ATTRIBUTABLE GRATUITY<sup>1</sup> - OTHER RANKS

(Warrant Officers, NCOs and privates (other than Maltese))

*(Applicable to soldiers who give full pay service on or after 31st March 2005)*

(£ one-off lump sum)

Percentage degree of Disability	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
%	£	£	£	£	£	£
20	1,957	2,528	2,771	3,157	3,370	3,584
30	2,935	3,792	4,157	4,735	5,055	5,376
40	3,914	5,056	5,542	6,313	6,740	7,167
50	4,892	6,320	6,928	7,892	8,426	8,959
60	5,871	7,584	8,313	9,470	10,111	10,751
70	6,849	8,848	9,699	11,048	11,796	12,543
80	7,827	10,112	11,085	12,627	13,481	14,335
90	8,806	11,376	12,470	14,205	15,166	16,127
100	9,784	12,640	13,856	15,784	16,851	17,918

Note:

1. The term “Higher Service Attributable Pension” is only applicable to ex-regulars who are recalled into permanent service.

TABLE 35A

#### LOWER RATES OF ATTRIBUTABLE GRATUITY - OTHER RANKS

(Warrant Officers, NCOs and privates (other than Maltese))

*(Applicable to soldiers who give full pay service on or after 31st March 2005)*

(£ one-off lump sum)

Percentage degree Disability	£
%	
20	652
30	978
40	1,305
50	1,631
60	1,957
70	2,283
80	2,609
90	2,953
100	3,261

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TABLE 36

ATTRIBUTABLE GRATUITY SPECIAL AIR SERVICE (SAS) - OTHER RANKS

*(Applicable to SAS soldiers who give full pay service on or after 31st March 2005)*

(£ one-off lump sum)

Percentage degree of Disability	OR3	OR4	OR6	OR7	OR8 Warrant Officer Class 2	OR9 Warrant Officer Class 1
%	£	£	£	£	£	£
20	2,986	3,404	3,642	4,098	4,317	4,627
30	4,479	5,106	5,463	6,148	6,475	6,941
40	5,971	6,808	7,284	8,197	8,633	9,255
50	7,464	8,510	9,105	10,246	10,791	11,569
60	8,957	10,212	10,926	12,295	12,950	13,882
70	10,450	11,913	12,747	14,345	15,108	16,196
80	11,943	13,615	14,568	16,394	17,266	18,510
90	13,436	15,317	16,390	18,443	19,425	20,823
100	14,929	17,019	18,211	20,492	21,583	23,137

**Section 12—Attributable Family Pension**

TABLE 37

ATTRIBUTABLE FAMILY PENSION OFFICERS & OTHER RANKS

*(Applicable to surviving spouses/surviving civil partners/surviving eligible partners and children of officers below the rank of General and soldiers who give full pay service on the active list on or after 31st March 2005)*

(£ per year)

Rank of deceased officer and other rank (for invaliding purposes)	Surviving spouse/ surviving civil partner/surviving eligible partner	Each dependant child (Maximum of 4)	Each dependant parentless child (Maximum of 4)
	£	£	£
OR3	7,604	1,957	3,914
OR4	10,174	2,528	5,056
OR6	11,268	2,771	5,542
OR7	13,003	3,157	6,313
OR8/WO2	13,964	3,370	6,740
OR9/WO1	14,925	3,584	7,167
OF2	16,692	3,976	7,953
OF3	20,404	4,801	9,603
OF4	26,788	6,220	12,440
OF5	31,206	7,202	14,403
OF6	34,717	7,982	15,964
Chaplain (less than 20 year service)	20,404	4,801	9,603
Chaplain (20 years or more service)	29,439	6,809	13,618
Deputy Chaplain General	31,206	7,202	14,403
Principal Chaplain	30,322	7,005	14,011



## Appendix VIII

TABLE 38

### ATTRIBUTABLE FAMILY PENSION SENIOR OFFICERS

*(Applicable to surviving spouses/surviving civil partners/surviving eligible partners and children of officers below the rank of Brigadier who give full pay service on the active list on or after 31st March 2005)*

(£ per year)

Rank of deceased senior officer (for invaliding purposes)	Surviving spouse/ surviving civil partner/surviving eligible partner	Each dependant child (Maximum of 4)	Each dependant parentless child (Maximum of 4)
	£	£	£
Major General	38,852	8,901	17,802
Lieutenant General	49,536	11,275	22,550
General	64,045	14,499	28,999
Chief of the Defence Staff	87,970	19,826	39,632
Chaplain General	34,717	7,982	15,964

TABLE 39 RESERVED

TABLE 40

### ATTRIBUTABLE FAMILY PENSION SPECIAL AIR SERVICES (SAS) - OFFICERS & OTHER RANKS

*(Applicable to surviving spouses/surviving civil partner/surviving eligible partner and children of SAS officers and soldiers who give full pay service on the active list on or after 31st March 2005)*

(£ per year)

Rank of deceased officer or other rank (for invaliding purposes)	Surviving spouse/ surviving civil partner/surviving eligible partner	Each dependant child (Maximum of 4)	Each dependant parentless child (Maximum of 4)
	£	£	£
OF2 and below	22,297	5,222	10,444
OF3	24,084	5,619	11,238
OR3	12,234	2,986	5,971
OR4	14,115	3,404	6,808
OR6	15,188	3,642	7,284
OR7	17,241	4,098	8,197
OR8/WO2	18,223	4,317	8,633
OR9/WO1	19,622	4,627	9,255

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## Section 13—Surviving Spouses, Surviving Civil Partners and Surviving Eligible Partners Attributable Gratuity

TABLE 41

### SURVIVING SPOUSES/SURVIVING CIVIL PARTNERS/SURVIVING ELIGIBLE PARTNERS ATTRIBUTABLE GRATUITY OFFICERS & OTHER RANKS

*(Applicable to surviving spouses/surviving civil partners/surviving eligible partners and children of officers below the rank of Major General and soldiers who give full pay service on the active list on or after 31st March 2005)*

(£ one-off lump sum)

Rank of deceased officer and other rank (for invaliding purposes)	£
OR3	9,784
OR4	12,640
OR6	13,856
OR7	15,784
OR8/WO2	16,851
OR9/WO1	17,918
OF2	19,882
OF3	24,006
OF4	31,100
OF5	36,009
OF6	39,910
Chaplain (less than 20 years service)	24,006
Chaplain (20 years or more service)	34,045
Deputy Chaplain General	36,009
Principal Chaplain	35,027

TABLE 42

### SURVIVING SPOUSES/SURVIVING CIVIL PARTNERS/SURVIVING ELIGIBLE PARTNERS ATTRIBUTABLE GRATUITY-SENIOR OFFICERS

*(Applicable to surviving spouses/surviving civil partners/surviving eligible partners and children of officers above the rank of Brigadier who give full pay service on the active list on or after 31st March 2005)*

(£ one-off lump sum)

Rank of deceased officer and other rank (for invaliding purposes)	£
Major General	44,505
Lieutenant General	56,375
General	72,496
Chief of the Defence Staff	99,080
Chaplain General	39,910

Appendix VIII

TABLE 43

SURVIVING SPOUSES/SURVIVING CIVIL PARTNERS/SURVIVING ELIGIBLE PARTNERS  
ATTRIBUTABLE GRATUITY  
SPECIAL AIR SERVICE (SAS) – OFFICERS & OTHER RANKS

*(Applicable to SAS soldiers who give full pay service on or after 31st March 2005)*

(£ one-off lump sum)

Rank of deceased officer or other rank (for invaliding purposes)	£
OF2 and below	26,109
OF3	28,096
OR3	14,929
OR4	17,019
OR6	18,211
OR7	20,492
OR8/WO2	21,583
OR9/WO1	23,137

TABLE 44 RESERVED

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## Section 14—Professional Aviator Supplements

TABLE 45

### PROFESSIONAL AVIATOR SUPPLEMENTS OFFICERS & OTHER RANKS

*(Rate of addition to annual rate of pension each day served on or after 31st March 2005)*

Type of Appointment	(£ per day)					
	OF2	OF3	OR6	OR7	OR8	OR9
	£	£	£	£	£	£
Rear Crew	0.786	0.447				
Navigator	0.860	0.521				
Pilot	1.044	0.705				
NCO Pilot			0.970	0.824	0.7440	0.664
NCA MACR						0.589
NCA FLT SGT				0.600		
NCA SGT			0.595			

# Appendix IX

**Reserved**



# Appendix X

## Pre 1973 War Widows—Special Payment

### General

1. A special payment shall be made to widows of officers, warrant officers, non commissioned officers and privates of the British Army (or locally enlisted personnel in the service of the British Army as laid down in the conditions of Article 280 of this Warrant), whose death is attributable to their service, at the rate shown and under the conditions specified in this Appendix.
2. Except as otherwise indicated this Appendix shall have effect from 9th April 1990.
3. The special war widows payment provided for in this Appendix does not form part of the pension scheme for officers, warrant officers, non commissioned officers and privates of the British Army and their dependants as set out in the Army Pensions Warrant 1977.

### Eligibility

4. To be eligible for the award of special war widows payment the following conditions must be fulfilled:
  - a. The service of the British Army officer, warrant officer, non commissioned officer or private in respect of whose death the special war widows payment is made must have terminated before 31st March 1973; and
  - b. The widow must be eligible to receive either:
    - (1) a pension analogous to a war widows pension awarded under the terms and conditions of the Royal Warrant governing Disability etc Pensions—Personnel of units of the British Army raised abroad dated 19 January 1950; or
    - (2) an attributable pension to the widow of a member of the British Army whose death is attributable to service before 4th August 1914 or between 1st October 1921 and 2nd September 1939.

### Rate of Payment

5. A flat-rate special payment of £40 per week is to be made. The rate of payments is to be increased annually from April 1991 onwards by analogy with the Social Security Pensions Act 1975 as amended by the Social Security Pensions Act 1979 and at the full percentage increase as provided for under those provisions.

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**Date of commencement of payment**

6. The date of commencement of a special war widows payment will be 9th April 1990 or the date of commencement of the pension analogous to a war widows pension, or attributable widows pension as defined in sub paras 4b(1) or (2) of this Appendix, whichever is the later.





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