STATUTORY INSTRUMENTS

2008 No. 229

PENSIONS

The Armed Forces (Gurkha Pensions) (Amendment) Order 2008

Made - - - -	*6th February 2008*
Laid before Parliament	*7th February 2008*
Coming into force - -	*29th February 2008*

The Secretary of State in exercise of the powers conferred by section 1(1)(a) of the Armed Forces (Pensions and Compensation) Act 2004(**a**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Armed Forces (Gurkha Pensions) (Amendment) Order 2008 and comes into force on 29th February 2008.

Amendment of the AFPS 2005

2.—(1) Schedule 1 to the Armed Forces Pension Scheme Order 2005(**b**) is amended as follows.

(2) In rule L.3 (option for former active members of the Gurkha Pension Scheme to join the Scheme)—

(a) after "ill-health pensioner" in paragraph (7)(a)(i) insert ", or a prescribed pensioner"; and

(b) after paragraph (7) insert—

"(7A) In paragraph (7) "prescribed pensioner" means a pensioner member of the Gurkha Pension Scheme who—

(a) is eligible to become a member of the Scheme under this Part; and

(b) on becoming a member, would become entitled to payments under articles 8 to 10 of the Armed Forces Early Departure Payments Scheme Order 2005(**c**) (eligibility, entitlement and amount of early departure payments).".

Amendment of the EDPS 2005

3.—(1) The Armed Forces Early Departure Payments Scheme Order 2005 is amended as follows.

(2) In article 4(e) (meaning of "relevant service" for Gurkha Pension Scheme transferees) after "rule L.4" insert "or L.5".

(**a**) 2004 c.32.

(**b**) S.I. 2005/438, as amended by articles 2 and 3 of the Armed Forces (Gurkha Pensions) Order 2007, S.I. 2007/2608. Other amendments to S.I. 2005/438 have been made which are not relevant to this Order.

(**c**) S.I. 2005/437, as amended by article 4(3) of the Armed Forces (Gurkha Pensions) Order 2007, S.I. 2007/2608. That S.I. made other amendments to S.I. 2005/437, which are not relevant to this Order.

Signed by authority of the Secretary of State for Defence

Derek Twigg
Under Secretary of State
Ministry of Defence

6th February 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Armed Forces (Pensions and Compensation) Act 2004.

It amends Part L of the Armed Forces Pensions Scheme 2005 ("the AFPS 05") (established by S.I. 2005/438, as amended by S.I. 2007/2608) which enables members and former members of the Gurkha Pension Scheme, who were in service on or after 6th April 2006, to exercise options to join the AFPS 05. It also amends the Armed Forces Early Departure Payments Scheme Order 2005 (S.I. 2005/438), in connection with these AFPS 05 amendments.

In a notice in writing given to the Scheme administrator dated 10th October 2007 the Secretary of State has specified that the closing date for former members of the Gurkha Pension Scheme to exercise an option to become a member of the AFPS 05 is 29th February 2008, in accordance with rule L.3 paragraphs (5) and (6).

Article 2 amends rule L.3 (option for former active members of the Gurkha Pension Scheme to join the Scheme) to add a class of Gurkha Pension Scheme member, a "prescribed pensioner", for whom the date the option to join takes effect is the day after the closing date.

Article 3 amends article 4(e) of the Armed Forces Early Departure Payments Scheme Order 2005 (meaning of relevant service for Gurkha Pension Scheme transferees) to include a reference to rule L.5 of AFPS 05. This rule concerns the calculation of periods of relevant service for former active Gurkhas who become Gurkha Pension Scheme transferees.

A full regulatory impact assessment has not been produced on this Order as it has no impact on the costs of business, charities or the voluntary sector.

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