This Statutory Instrument has been made in part in consequence of a defect in S.I. 2014/2336 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2026 No. 523

PUBLIC SERVICE PENSIONS

The Armed Forces Pension (Amendment) Regulations 2026

Made - - - -	*14th May 2026*
Laid before Parliament	*20th May 2026*
Coming into force - -	*11th June 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(h), 2(1), 3(1), (2)(a) and (b), (3)(a) and (b) of, and paragraph 8 of Schedule 2 and paragraphs 2, 3, 4, 7 and 8 of Schedule 3 to, the Public Service Pensions Act 2013(**a**) ("the 2013 Act").

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

In accordance with section 21(1) of the 2013 Act, the Secretary of State has consulted the representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations.

Citation, commencement and extent

1. These Regulations—

(a) may be cited as the Armed Forces Pension (Amendment) Regulations 2026;

(b) come into force on 11th June 2026;

(c) extend to England and Wales, Scotland and Northern Ireland.

Amendment of the Armed Forces Pension Scheme Order 2005

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

(2) In Schedule 2 (transitional provision), in paragraph 23, for "1st April 2015" substitute "their transition date".

(**a**) 2013 c. 25. Section 3(1) was amended by section 94(2) of the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

(**b**) S.I. 2005/438, amended by S.I. 2015/568 and S.I. 2023/998; there are other amending instruments but none is relevant. The definition of "transition date" is found in paragraph 1 of Schedule 2 to this instrument.

Amendment of the Armed Forces Early Departure Payments Scheme Order 2005

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

(2) In article 9 (entitlement to early departure payments)—

(a) in paragraph (2) for "paragraph (3)" substitute "paragraphs (3) and (6)";

(b) after paragraph (5) insert—

"(6) If on a review under regulation 58 of the AFP Regulations 2014 (member's request for review of ill-health awards), a person entitled to payments under this article becomes entitled to a pension under regulation 52 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment) of the AFP Regulations 2014, then that person ceases to have any entitlement under this article from the date the pension under regulation 52 becomes payable.".

Amendment of the Armed Forces Pension Regulations 2014

4.—(1) The Armed Forces Pension Regulations 2014(**b**) are amended as follows.

(2) In regulation 52 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment), in paragraph (1)—

(a) in sub-paragraph (a)(i) omit "any";

(b) in sub-paragraph (b) for "any gainful employment" substitute "carrying on their occupation".

(3) In regulation 58 (member's request for review of ill-health awards)—

(a) at the end of paragraph (1)(b) insert "or an early departure payment in lieu.";

(b) in paragraph (2)(a) for "or lump sum" substitute ", lump sum under EDP 2014 regulation 19 or an early departure payment in lieu";

(c) in paragraph (8)(b)(i), after "regulation 19" insert "or an early departure payment in lieu";

(d) in paragraph (9)—

(i) in sub-paragraph (a)(ii), after "regulation 19" insert "or an early departure payment in lieu";

(ii) in sub-paragraph (b) for the words from "then regulation 52" to the end substitute ",

then regulation 52 applies from the time when the conditions in regulation 52(1)(a) are first met, and accordingly the member is entitled to a pension under that regulation payable from that time and the scheme manager may set off against such entitlement the amount of any relevant payment.";

(e) after paragraph (9) insert—

"(9A) For the purposes of paragraph (9) "relevant payment" means—

(a) the amount of any lump sum paid under EDP 2014 regulation 19, including any amounts paid under that regulation by virtue of article 16(4A)(d) of the Armed Forces Early Departure Payments Scheme Order 2005 ("EDP 2005"), or

(**a**) S.I. 2005/437, amended by S.I. 2015/568; there are other amending instruments but none are relevant.
(**b**) S.I. 2014/2336, to which there are amendments not relevant to these regulations.

(b) the amount of any payments received under EDP 2014 regulation 10, including any amounts paid under that regulation by virtue of article 10(8A)(b) of EDP 2005.";

(f) in paragraph (10)—

(i) in sub-paragraph (a)(ii), after "regulation 19" insert "or an early departure payment in lieu";

(ii) for the words from "then regulation 52 applies" to the end substitute "the member is entitled to a pension under regulation 52 payable from the date on which the review was requested.";

(g) after paragraph (10) insert—

"(11) For the purposes of this regulation, "early departure payment in lieu"—

(a) means a payment under regulation 9 of the EDP 2014 (entitlement to early departure payments), where the scheme manager determines that payment should be made instead of a payment under EDP 2014 regulation 19;

(b) includes payments made to a person entitled to payment under article 16 of the EDP 2005 where such payment is made under the EDP 2014 by virtue of article 10(8A)(b) of EDP 2005.".

Amendment of the Armed Forces Early Departure Payments Scheme Regulations 2014

5.—(1) The Armed Forces Early Departure Payments Scheme Regulations 2014(**a**) are amended as follows.

(2) In regulation 9 (entitlement to early departure payments), after paragraph (4) insert—

"(5) If, on a review under regulation 58 (member's request for review of ill-health awards) of the AFPS 14 regulations, a person entitled to payments under this regulation becomes entitled to a pension under regulation 52 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment) of the AFPS 14 regulations, then that person ceases to have any entitlement under this regulation from the date the pension under regulation 52 becomes payable.".

Date from which amendments have effect

6. The amendments made by these Regulations (other than regulation 4(3)(f)) have effect from 1st April 2015.

(**a**) S.I. 2014/2328, amended by S.I. 2015/466; there are other amending instruments but none are relevant.

Louise Sandher-Jones
Parliamentary Under-Secretary of State
14th May 2026 Ministry of Defence

We consent

Lilian Greenwood
Stephen Morgan
13th May 2026 Two Lords Commissioners of His Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Armed Forces Pension Scheme Order 2005 (S.I. 2005/438) ("the AFPS 2005"), the Armed Forces Early Departure Payments Scheme Order 2005 (S.I. 2005/437) ("the EDP 2005"), the Armed Forces Pension Scheme Regulations 2014 (S.I. 2014/2336) ("the AFPS 2015") and the Armed Forces Early Departure Payments Scheme Regulations 2014 (S.I. 2014/2328) ("the EDP 2015").

The amendment to the AFPS 2005 ensures that regulations 57 and 58 of the AFPS 2015 (review of ill-health awards) apply to individuals with an ill health award that relates to service before those individuals' transition date (which is either 1st April 2022 or 1st April 2015, as defined in paragraph 1 of Schedule 2 to the AFPS 2005). This change has effect from 1st April 2015.

The amendments to the EDP 2005 ensure that payments under article 9(2) of the EDP 2005 cease if a person becomes entitled to an ill-health pension under regulation 52 of the AFPS 2015 following a review under regulation 58 of the AFPS 2015. This change has effect from 1st April 2015.

The amendments to the AFPS 2015 change the eligibility criteria for awards under regulation 52 (significant impairment of capacity for gainful employment) of the AFPS 2015. They also provide that early departure payments made under regulation 9 of the EDP 2015 in lieu of payments under regulation 19 of the EDP 2015 are subject to a right of review and insert a definition of "early departure payment in lieu" into regulation 58. These amendments have effect from 1st April 2015. Further, they provide for ill health awards payable under regulation 52 of the AFPS 2015 to be backdated to the date the review is requested instead of the date of medical discharge. This change has effect from 11th June 2026.

The amendments to the EDP 2015 ensure that payments under regulation 9(2) of the EDP 2015 cease if a person becomes entitled to an ill health pension under regulation 52 of the AFPS 2015 following a review under regulation 58 of the AFPS 2015. This change has effect from 1st April 2015.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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