STATUTORY INSTRUMENTS

2015 No. 466

PUBLIC SERVICE PENSIONS

The Armed Forces Pension Scheme and Early Departure Payments Scheme (Amendment) Regulations 2015

Made - - - -	*3rd March 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State for Defence, in exercise of the powers conferred by section 1(1) of the Public Service Pensions Act 2013(**a**), makes the following Regulations.

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Armed Forces Pension Scheme and Early Departure Payments Scheme (Amendment) Regulations 2015.

(2) These Regulations come into force on 1st April 2015.

Interpretation

2. In these Regulations—

"AFP Regulations 2014" means the Armed Forces Pension Regulations 2014(**b**)

"EDP Regulations 2014" means the Armed Forces Early Departure Payments Scheme Regulations 2014(**c**).

PART 2

Amendments to the Armed Forces Pension Regulations 2014

Amendment to regulation 3 (interpretation) of the AFP Regulations 2014

3. Regulation 3 (interpretation) of the AFP Regulations 2014 is amended by substituting—

(**a**) 2013 c. 25.
(**b**) S.I. 2014/2336.
(**c**) S.I. 2014/2328.

""pensioner member's account" means a pension account established in accordance with regulation 38;"

for—

""pensioner member's account" has the meaning given in regulation 38 (establishment of a pensioner member's account);".

Amendment to regulation 32 (account to specify amount of pension for a scheme year) of the AFP Regulations 2014

4. Regulation 32 (account to specify amount of pension for a scheme year) of the AFP Regulations 2014 is amended by—

(a) inserting at the end of paragraph (7) "or regulation 92(1)(a) (member's option to pay lump sum contributions to purchase pension)",

(b) inserting at the end of paragraph (8) "or regulation 92(1)(b) (member's option to pay lump sum contributions to purchase pension)".

Amendment to regulation 38 (establishment of a pensioner member's account) of the AFP Regulations 2014

5. Regulation 38 (establishment of a pensioner member's account) of the AFP Regulations 2014 is amended by—

(a) omitting in sub-paragraph (1)(b) "(the pensioner member's account)", and

(b) omitting in sub-paragraph (2)(b) "("the pensioner member's account")".

Amendment to regulation 43 (retirement on or after reaching normal pension age – active members) of the AFP Regulations 2014

6. Regulation 43 (retirement on or after reaching normal pension age – active members) of the AFP Regulations 2014 is amended by substituting—

(a) in sub-paragraph (3)(a) "pensioner member's account" for "retirement account", and

(b) in sub-paragraph (3)(b) "pensioner member's account" for "retirement account".

Amendment to regulation 44 (retirement before reaching normal pension age – deferred members) of the AFP Regulations 2014

7. Regulation 44 (retirement before reaching normal pension age – deferred members) of the AFP Regulations 2014 is amended by substituting in sub-paragraph (3)(b) "deferred member's account" for "retirement account".

Amendment to regulation 45 (annual rate of pension payable to active member who becomes pensioner member) of the AFP Regulations 2014

8. Regulation 45 (annual rate of pension payable to active member who becomes pensioner member) of the AFP Regulations 2014 is amended by substituting—

(a) in sub-paragraph (2)(a) "pensioner member's account" for "retirement account",

(b) in sub-paragraph (3)(a) "pensioner member's account" for "retirement account",

(c) in sub-paragraph (4)(a) "pensioner member's account" for "retirement account", and

(d) in sub-paragraph (5)(a) "pensioner member's account" for "retirement account".

Amendment to regulation 51 (entitlement to ill-health pension: active member with permanent serious ill-health) of the AFP Regulations 2014

9. Regulation 51 (entitlement to ill-health pension: active member with permanent serious ill-health) of the AFP Regulations 2014 is amended by substituting in paragraph (3) "pensioner member's account" for "retirement account".

Amendment to regulation 52 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment) of the AFP Regulations 2014

10. Regulation 52 (entitlement to ill-health pension: active member with significant impairment of capacity for gainful employment) of the AFP Regulations 2014 is amended by substituting—

(a) in sub-paragraph (2)(a) "pensioner member's account" for "retirement account", and

(b) in sub-paragraph (2)(b) "pensioner member's account" for "retirement account".

Amendment to regulation 56 (entitlement to ill-health pension: deferred member with permanent serious ill-health) of the AFP Regulations 2014

11. Regulation 56 (entitlement to ill-health pension: deferred member with permanent serious ill-health) of the AFP Regulations 2014 is amended by substituting—

(a) in sub-paragraph (3)(a) "pensioner member's account" for "retirement account", and

(b) in sub-paragraph (3)(b) "pensioner member's account" for "retirement account".

Amendment to regulation 74 (annual rate of children's pensions) of the AFP Regulations 2014

12. Regulation 74 (annual rate of children's pensions) of the AFP Regulations 2014 is amended in sub-paragraph (5)(a) by substituting "(6)" for "(5)".

Amendment to regulation 79 (lump sum amount payable on death of active member) of the AFP Regulations 2014

13. Regulation 79 (lump sum amount payable on death of active member) of the AFP Regulations 2014 is amended by—

(a) Substituting in paragraph (1) "paragraphs (2), (2A) and (2B)" for "paragraph (2)", and

(b) inserting after paragraph (2)—

"(2A) If the member was both an active member and a pensioner member and the amount payable under regulation 81 (lump sum amount payable on death of pensioner member) is greater than the amount payable under paragraph (1), the amount payable under regulation 81 is payable instead of the amount specified in paragraph (1).

(2B) If the member was both an active member and a deferred member or a pensioner member of a connected scheme, the amount specified in paragraph (1) is only payable if and to the extent that it exceeds the aggregate of any payments made to or in respect of the member by way of lump sum on the death of the member under any connected scheme."

Amendment to regulation 81 (lump sum amount payable on death of pensioner member) of the AFP Regulations 2014

14. Regulation 81 (lump sum amount payable on death of pensioner member) of the AFP Regulations 2014 is amended by—

(a) omitting in paragraph (2)(a) "but subtracting the commutation amount (if any)",

(b) substituting in paragraph (3) "79" for "80", and

(c) inserting after paragraph (4)—

"(4A) If the member was both a pensioner member and a pensioner member of a connected scheme, the amount specified in paragraph (1), or as the case may be, paragraph (3) or (4), is only payable if and to the extent that it exceeds the aggregate of any payments made to or in respect of the member by way of lump sum on the death of the member under any connected scheme."

Amendment to regulation 82 (lump sum amount payable on death of pension credit member) of the AFP Regulations 2014

15. Regulation 82 (lump sum amount payable on death of pension credit member) of the AFP Regulations 2014 is amended by omitting in sub-paragraph (3)(a) "but subtracting the commutation amount (if any)".

Amendment to regulation 91(member's option to make periodical contributions to purchase added pension) of the AFP Regulations 2014

16. Regulation 91 (member's option to make periodical contributions to purchase added pension) of the AFP Regulations 2014 is amended at sub-paragraphs (6)(a) and (6)(b)(ii) by substituting "regulation 92" for "regulation 91".

Amendment to regulation 108 (transfer statement) of the AFP Regulations 2014

17. Regulation 108 (transfer statement) of the AFP Regulations 2014 is amended in paragraph (2) by inserting at the end of the paragraph—

"if the transfer date falls within the period of 2 months beginning with the date of that statement".

Amendment to regulation 114 (employer cost cap) of the AFP Regulations 2014

18. Regulation 114 (employer cost cap) of the AFP Regulations 2014 is amended by substituting—

"(1) The employer cost cap for this scheme is 34.6 % of pensionable earnings of members of the scheme."

for paragraph (1).

Amendment to regulation 121 (forfeiture of benefits) of the AFP Regulations 2014

19. Regulation 121 (forfeiture of benefits) of the AFP Regulations 2014 is amended in paragraph (1) by substituting "regulation 132 (information and evidence)" for "regulation 128 (information and evidence)".

PART 3

Amendments to the Armed Forces Early Departure Payments Scheme Regulations 2014

Amendment to regulation 4 (general interpretation) of the EDP Regulations 2014

20. Regulation 4 (general interpretation) of the EDP Regulations 2014 is amended by inserting, at the appropriate place—

""AFPS 14 regulations" means the Armed Forces Pension Regulations 2014".

Amendment to regulation 8 (eligibility for early departure payments) of the EDP Regulations 2014

21. Regulation 8 (eligibility for early departure payments) of the EDP Regulations 2014 is amended by—

(a) inserting at the end of sub-paragraph (5)(b) "regulations",

(b) substituting at paragraph (7)—

"(b) person who—

(i) is not an active member of AFPS 14, or

(ii) is not eligible to be a member of AFPS 14".

for—

"(b) a person who is not an active member of AFPS 14".

Amendment to regulation 16 (entitlement to a resettlement grant) of the EDP Regulations 2014

22. Regulation 16 (entitlement to a resettlement grant) of the EDP Regulations 2014 is amended by inserting—

(a) in sub-paragraph (1)(b)(i) "regulations" after "AFPS 14",

(b) in sub-paragraph (1)(b)(ii) "regulations" after "AFPS 14", and

(c) in sub-paragraph (1)(b)(iii) "regulations" after "AFPS 14".

Amendment to regulation 19 (lump sum awards: incapacity for armed forces service) of the EDP Regulations 2014

23. Regulation 19(1)(e)(ii) (lump sum awards: incapacity for armed forces service) of the EDP Regulations 2014 is amended by inserting—

(a) in sub-paragraph (aa) "regulations" after "AFPS 14",

(b) in sub-paragraph (bb) "regulations" after "AFPS 14",

(c) in sub-paragraph (cc) "regulations" after "AFPS 14", and

(d) in sub-paragraph (dd) "regulations" after "AFPS 14".

Anna Soubry
Minister of State
Ministry of Defence

3rd March 2015

We approve

David Evennett
Harriet Baldwin
Two of the Lords Commissioners of Her Majesty's Treasury

27th February 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Armed Forces Pension Regulations 2014 and the Armed Forces Early Departure Payments Scheme Regulations 2014 including the introduction of a cost cap figure into the Armed Forces Pension Regulations 2014.

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