
STATUTORY INSTRUMENTS

2007 No. 2608

The Armed Forces (Gurkha Pensions) Order 2007

Minor and consequential amendments of the AFPS 2005

- 3.—(1) The AFPS 2005 is amended as follows.
- (2) In rule A.1(4) (interpretation: general) after the definition of “guaranteed minimum” insert—
“Gurkha Pension Scheme transferee” has the meaning given in rule L.1(3);”.
- (3) In rule A.7(1) (qualifying service)—
(a) omit “and” immediately before sub-paragraph (d), and
(b) after that sub-paragraph insert—
“and
(e) in the case of a Gurkha Pension Scheme transferee, the qualifying service the member is entitled to count under the Scheme under rule L.4 or L.5.”.
- (4) In rule A.8(1) (reckonable service)—
(a) omit “and” immediately before sub-paragraph (f), and
(b) after that sub-paragraph insert—
“and
(g) in the case of a Gurkha Pension Scheme transferee, the reckonable service the member is entitled to count under the Scheme under rule L.4 or L.5.”.
- (5) In rule B.1(1) (eligibility: general)—
(a) omit paragraph (a)(i) (the Royal Irish Regiment (Part Time)), and
(b) in paragraph (b)(ii) after “Part K (AFPS 1975 transferees)” insert “or Part L (Gurkha Pension Scheme transferees)”.
- (6) In rule B.2(1) (persons with other pension arrangements) at the beginning insert “Except as otherwise provided in these rules,”.
- (7) In rule D.2 (retirement before reaching pension age) at end insert—
“(6) For the application of this rule in the case of certain Gurkha Pension Scheme transferees, see rules L.5 and L.7(1).”.
- (8) In rule D.5 (early payment of benefits: active members with permanent serious ill-health) at end insert—
“(7) For the application of this rule in the case of certain Gurkha Pension Scheme transferees, see rules L.5 and L.7(1).”.
- (9) In rule D.6 (early payment of benefits: active members with significant impairment of capacity for gainful employment) at end insert—
“(5) For the application of this rule in the case of certain Gurkha Pension Scheme transferees, see rules L.5 and L.7(1).”.

(10) In rule E.6(3) (reduction in pensions under rules E.1 and E.2 in cases of wide age disparity) after “rule K.8” insert “and rule L.7”.

(11) In rule F.1 (right to transfer value payment) at end insert—

“(7) For the application of paragraph (4) in the case of certain Gurkha Pension Scheme transferees, see rule L.7(4).”.

(12) In rule G.3(4) (option to aggregate earlier membership: previous members of the Scheme)—

(a) omit “and” immediately before sub-paragraph (b), and

(b) after that sub-paragraph insert—

“and

(c) in a case where the later or latest of those periods began in accordance with rule L.4 (or an earlier period included in the later or latest period by virtue of sub-paragraph (a) or (b) did so), any period that the member is entitled to count under that rule,”.