

*This Statutory Instrument has been made in part in consequence of defects in SI 2014/2336 and 2015/568 and is being issued free of charge to all known recipients of those Statutory Instruments.*

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## STATUTORY INSTRUMENTS

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# 2022 No. 323

## PUBLIC SERVICE PENSIONS

### The Armed Forces Pensions (Amendment) Regulations 2022

*Made - - - - 16th March 2022*

*Laid before Parliament 18th March 2022*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(h), 2, 3 and 18(5) of the Public Service Pensions Act 2013(1) (“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)(2) 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 and commencement**

1.—(1) These Regulations may be cited as the Armed Forces Pensions (Amendment) Regulations 2022.

(2) Subject to paragraph (3), these Regulations come into force on 1st April 2022.

(3) The following provisions come into force on 31st March 2022—

- (a) this regulation;
- (b) regulation 3(2)(c) and, so far as it relates to that provision, regulation 3(1) and (3); and
- (c) regulation 5(2)(d) and, so far as it relates to that provision, regulation 5(1) and (3).

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(1) [2013 c. 25](#). Section 3 was amended by section 94(1) to (6) of the Public Service Pensions and Judicial Offices Act [2022 \(c. 7\)](#). Section 18(5) was repealed by section 88(2)(c) of the Public Service Pensions and Judicial Offices Act 2022 on 1st April 2022.

(2) Section 21 was amended by section 94(8) of the Public Service Pensions and Judicial Offices Act 2022.

## Amendment of the Armed Forces Pension Scheme 1975

2.—(1) The Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(3), the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(4) and the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(5) are amended as follows.

(2) In Schedule 3 (transitional provision for the Armed Forces Pension Scheme 1975) to each instrument—

- (a) in paragraph 1 (interpretation), for the definition of “transition date”, substitute—
  - ““transition date” in relation to a transition member means—
  - (a) in the case of a member who ceased to be a full protection member of the AFPS 1975 in accordance with paragraph 4(3)(b), 1st April 2022;
  - (b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of the AFPS 1975;”;
- (b) in paragraph 2 (meaning of continuity of service), in sub-paragraph (2), for “1st April 2015” substitute “T’s transition date”;
- (c) in paragraph 4 (full protection members of the AFPS 1975), for sub-paragraph (3), substitute—
  - “(3) P ceases to be a full protection member of the AFPS 1975 at the end of whichever of the following days occurs first—
  - (a) the day on which P ceases to be in pensionable service under that scheme; or
  - (b) 31st March 2022.”;
- (d) omit paragraph 44 (Secretary of State does not consider that the member has suffered a permanent breakdown of health involving incapacity for any full-time employment);
- (e) in paragraph 48 (purchase of additional reckonable service in respect of period on loan)—
  - (i) in sub-paragraph (1), for “1st April 2015” substitute “the member’s transition date”;
  - (ii) in sub-paragraph (2)—
    - (aa) in paragraph (1) of the substituted rule C.3 (purchase of additional reckonable service), for “1st April 2015” substitute “the member’s transition date”;
    - (bb) for paragraph (2) of the substituted rule C.3, substitute—

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- (3) This order (“the Naval Pensions Order”) sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Navy and Royal Marines. Schedule 1 to the Naval Pensions Order was revoked and replaced with a revised Schedule 1 by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010. Schedule 3 to the Naval Pensions Order was inserted by [S.I. 2015/568](#). There are other amending instruments but none is relevant. Copies of those instruments which are not statutory instruments can be found at [www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations](http://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations). Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Level 6 Zone M, Whitehall, London SW1A 2HB.
  - (4) This warrant (“the Army Pensions Warrant”) sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Army. Schedule 1 to the Army Pensions Warrant was revoked and replaced with a revised Schedule 1 by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010. Schedule 3 to the Army Pensions Warrant was inserted by [S.I. 2015/568](#). There are other amending instruments but none is relevant. Copies of those instruments which are not statutory instruments can be found at [www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations](http://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations). Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Level 6 Zone M, Whitehall, London SW1A 2HB.
  - (5) This order (“the Air Force Pensions Order”) sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Royal Air Force. Schedule 1 to the Air Force Pensions Order was revoked and replaced with a revised Schedule 1 by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010. Schedule 3 to the Air Force Pensions Order was inserted by [S.I. 2015/568](#). There are other amending instruments but none is relevant. Copies of those instruments which are not statutory instruments can be found at [www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations](http://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations). Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Level 6 Zone M, Whitehall, London SW1A 2HB.

- “(2) The option may only be exercised—
    - (a) within the period of twelve months beginning with the day after that on which the secondment period ended, unless the Scheme administrator permits otherwise; and
    - (b) if the member has also exercised an option under regulation 97 of the Armed Forces Pension Regulations 2014.”;
  - (cc) after paragraph (5) of the substituted rule C.3, insert—
    - “(6) If the amount given by paragraph (3) exceeds the amount determined by the Scheme actuary in accordance with paragraph (5), the difference must be provided to the scheme administrator of the AFPS 2015.”;
  - (f) in paragraph 49 (option to buy additional reckonable service under the AFPS 1975 continues to have effect), in sub-paragraph (2), for “after 31st March 2015” substitute “on or after the member’s transition date”.
- (3) Paragraph (2)(e) has effect on and after 1st April 2015.

### **Amendment of the Armed Forces Pension Scheme Order 2005**

- 3.—**(1) The Armed Forces Pension Scheme Order 2005<sup>(6)</sup> is amended as follows.
- (2) In Schedule 2 (transitional provision)<sup>(7)</sup>—
- (a) in paragraph 1 (interpretation), for the definition of “transition date”, substitute—
    - ““transition date” in relation to a transition member means—
    - (a) in the case of a member who ceased to be a full protection member of the AFPS 2005 in accordance with paragraph 7(2)(b), 1st April 2022;
    - (b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of the AFPS 2005.”;
  - (b) in paragraph 7 (full protection members of the AFPS 2005), for sub-paragraph (2), substitute—
    - “(2) P ceases to be a full protection member of the AFPS 2005 at the end of whichever of the following days occurs first—
    - (a) the day on which P ceases to be in pensionable service under that scheme unless sub-paragraph (3) or (4) applies; or
    - (b) 31st March 2022.”;
  - (c) in paragraph 9 (members of an existing scheme or a public body pension scheme)—
    - (i) in sub-paragraph (1)(d), before “P would have been”, insert “sub-paragraph (1A) applies or”;
    - (ii) after sub-paragraph (1), insert—
      - “(1A) This sub-paragraph applies if—
      - (a) P was a full protection member of the existing scheme referred to in sub-paragraph (1)(c);
      - (b) P had ceased to be a full protection member of that scheme after leaving pensionable service under it; and

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<sup>(6)</sup> S.I. 2005/438.

<sup>(7)</sup> The former Schedule 2 was revoked by S.I. 2006/717. The current Schedule 2 was inserted by S.I. 2015/568. There are other amending instruments but none is relevant.

- (c) the rules of that scheme made no provision for a person to re-enter pensionable service under the scheme.”;
- (d) omit paragraph 41 (Secretary of State does not consider that the member has suffered a permanent breakdown of health involving incapacity for any full-time employment);
- (e) in paragraph 46 (option to buy added years under the AFPS 2005 continues to have effect) —
  - (i) in sub-paragraph (1), for “31st March 2015”, in both places it occurs, substitute “the member’s transition date”;
  - (ii) in sub-paragraph (2), for “after 31st March 2015” substitute “on or after the member’s transition date”;
- (f) after paragraph 47, insert—

**“Purchase of added years for members seconded to NATO or the UN etc**

**47A.—**(1) This paragraph applies to a transition member with continuity of service (T) if on T’s transition date T is in qualifying service in accordance with rule A.7(1)(b) (qualifying service) of the AFPS 2005.

(2) For rule C.6 (purchase of added years for members seconded to NATO or the UN etc) of the AFPS 2005, substitute—

**“C.6.—**(1) This rule applies if an active member (T) is seconded during any period—

- (a) to the United Nations or the North Atlantic Treaty Organisation, or
- (b) under arrangements with any other organisation or person under which persons who are in service as a result of which they are eligible to belong to the Scheme are seconded into other service.

(2) If at the end of that period T resumes service in the armed forces in which T is an active member of the Scheme, T may opt to make a single lump sum contribution to the Scheme to increase T’s reckonable service by an additional period equal to the length of T’s secondment before T’s transition date.

(3) The option may only be exercised if—

- (a) T has given notice in writing to the Scheme administrator in such form as the Secretary of State requires; and
- (b) T has also exercised an option under regulation 97 of the Armed Forces Pension Regulations 2014.

(4) If T exercises the option under paragraph (2) and pays a contribution equal to the aggregate amount of—

- (a) any contributions returned to T by the pension arrangement to which T belonged in respect of T’s service during the secondment, and
- (b) any lump sum paid to T on leaving the organisation or to the person to whom T was seconded as a severance payment,

T is entitled to count the period of T’s secondment before T’s transition date as reckonable service.

(5) If the aggregate amount mentioned in paragraph (4) is less than the amount determined by the Scheme actuary to be the amount required to be paid in order to increase T’s reckonable service by the period of T’s secondment before T’s

transition date, the Secretary of State must make a contribution to the Scheme equal to the difference.

(6) If the aggregate amount mentioned in paragraph (4) exceeds the amount determined by the Scheme actuary in accordance with paragraph (5), the difference must be provided to the scheme administrator of the AFPS 2015.

(7) In this rule, “transition date” has the meaning given in paragraph 1 of Schedule 2.””

(3) Paragraph (2)(c) and (f) have effect on and after 1st April 2015.

#### **Amendment of the Armed Forces Early Departure Payments Scheme Order 2005**

4.—(1) The Armed Forces Early Departure Payments Scheme Order 2005(8) is amended as follows.

(2) In article 3 (general interpretation), for the definition of “transition date” substitute—  
““transition date” in relation to a person with dual entitlement means—

- (a) in the case of a person who ceased to be a full protection member of the AFPS 2005 in accordance with paragraph 7(2)(b) of Schedule 2 to the Armed Forces Pension Scheme Order 2005, 1st April 2022;
- (b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of the AFPS 2005.”.

#### **Amendment of the Reserve Forces Pension Scheme Regulations 2005**

5.—(1) The Reserve Forces Pension Scheme Regulations 2005(9) are amended as follows.

(2) In Schedule 3 (transitional provision)—

- (a) in paragraph 1 (interpretation), for the definition of “transition date”, substitute—  
““transition date” in relation to a transition member means—
  - (a) in the case of a member who ceased to be a full protection member of the RFPS 2005 in accordance with paragraph 7(2)(b), 1st April 2022;
  - (b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of the RFPS 2005.”;
- (b) in paragraph 2 (meaning of continuity of service), in sub-paragraph (2), for “1st April 2015” substitute “T’s transition date”;
- (c) in paragraph 7 (full protection members of the RFPS 2005), for sub-paragraph (2), substitute—  
“(2) P ceases to be a full protection member of the RFPS 2005 at the end of whichever of the following days occurs first—
  - (a) the day on which P ceases to be in reckonable service under that scheme unless sub-paragraph (3) or (4) applies; or
  - (b) 31st March 2022.”;
- (d) in paragraph 9 (members of an existing scheme or a public body pension scheme)—

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(8) [S.I. 2005/437](#), amended by [S.I. 2015/568](#); there are other amending instruments but none is relevant.

(9) These regulations establish the Reserve Forces Pension Scheme 2005. These regulations are made under sections 4 and 8 of the Reserve Forces Act 1996 (c. 14) and are not made by statutory instrument. The regulations were amended by [S.I. 2015/568](#) which inserted Schedule 3. There are other amending instruments but none is relevant. Those instruments which are not statutory instruments can be found at [www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations](http://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations). Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Level 6 Zone M, Whitehall, London SW1A 2HB.

- (i) in sub-paragraph (1)(d), before “P would have been”, insert “sub-paragraph (1A) applies or”;
- (ii) after sub-paragraph (1), insert—
  - “(1A) This sub-paragraph applies if—
    - (a) P was a full protection member of the existing scheme referred to in sub-paragraph (1)(c);
    - (b) P had ceased to be a full protection member of that scheme after leaving pensionable service under it; and
    - (c) the rules of that scheme made no provision for a person to re-enter pensionable service under the scheme.”;
- (e) omit paragraph 38 (Secretary of State does not consider that the member has suffered a permanent breakdown of health involving incapacity for any full-time employment);
- (f) in paragraph 43 (secondment to NATO or the UN etc)—
  - (i) in sub-paragraph (1), for “1st April 2015” substitute “the member’s transition date”;
  - (ii) in sub-paragraph (2)—
    - (aa) for “rule C.9(2)” substitute “rule C.9(2) to (5)”;
    - (bb) in the substituted paragraph (2) of rule C.9 (secondment to NATO or the UN etc), for “1st April 2015” substitute “the member’s transition date”;
    - (cc) after the substituted paragraph (2) of rule C.9, insert—
      - “(3) The option may only be exercised if—
        - (a) the member has given notice in writing to the Scheme administrator in such form as the Secretary of State requires; and
        - (b) the member has also exercised an option under regulation 97 of the Armed Forces Pension Regulations 2014.
      - (4) If the member exercises the option under paragraph (2) and pays a contribution equal to the aggregate amount of—
        - (a) any contributions returned to the member by the pension arrangement to which the member belonged in respect of the member’s service during the secondment; and
        - (b) any lump sum paid to the member on leaving the organisation or to the person to whom the member was seconded as a severance payment,

the member is entitled to count the period of the member’s secondment before the member’s transition date as reckonable service.

  - (5) If the aggregate amount mentioned in paragraph (4) is less than the amount determined by the Scheme actuary to be the amount required to be paid in order to increase the member’s reckonable service by the period of the member’s secondment before the member’s transition date, the Secretary of State must make a contribution to the Scheme equal to the difference.
  - (6) If the aggregate amount mentioned in paragraph (4) exceeds the amount determined by the Scheme actuary in accordance with paragraph (5), the difference must be provided to the scheme administrator of the AFPS 2015.

(7) In this rule, “transition date” has the meaning given in paragraph 1 of Schedule 3.”.

(3) Paragraph (2)(d) and (f) have effect on and after 1st April 2015.

### **Amendment of the Reserve Forces (Full-Time Reserve Service Pension Scheme 1997) Regulations 2010**

6.—(1) The Reserve Forces (Full-Time Reserve Service Pension Scheme 1997) Regulations 2010(10) are amended as follows.

(2) In Schedule 2 (transitional provision)—

(a) in paragraph 1 (interpretation), for the definition of “transition date”, substitute—

““transition date” in relation to a transition member means—

(a) in the case of a member who ceased to be a full protection member of the FTRS 1997 in accordance with paragraph 4(3)(b), 1st April 2022;

(b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of the FTRS 1997;”;

(b) in paragraph 4 (full protection members of the FTRS 1997), for sub-paragraph (3), substitute—

“(3) P ceases to be a full protection member of the FTRS 1997 at the end of whichever of the following days occurs first—

(a) the day on which P ceases to be in pensionable service under that scheme; or

(b) 31st March 2022.”;

(c) omit paragraph 58 (Secretary of State does not consider that the member has suffered a permanent breakdown of health involving incapacity for any full-time employment).

### **Amendment of the Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011**

7.—(1) The Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011(11) are amended as follows.

(2) In Schedule 3 (transitional provision)—

(a) in paragraph 1 (interpretation), for the definition of “transition date”, substitute—

““transition date” in relation to a transition member means—

(a) in the case of a member who ceased to be a full protection member of the NRPS 2011 in accordance with paragraph 4(3)(b), 1st April 2022;

(b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of the NRPS 2011;”;

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(10) These regulations establish the Full-time Reserve Service Pension Scheme 1997. These regulations are made under sections 4 and 8 of the Reserve Forces Act 1996 (c. 14) and are not made by statutory instrument. The regulations were amended by S.I. 2015/568 which inserted Schedule 2. There are other amending instruments but none is relevant. Those instruments which are not statutory instruments can be found at [www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations](http://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations). Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Level 6 Zone M, Whitehall, London SW1A 2HB.

(11) These regulations establish the Non Regular Permanent Staff Pension Scheme. These regulations are made under sections 4, 6 and 8 of the Reserve Forces Act 1996 (c. 14) and are not made by statutory instrument. The regulations were amended by S.I. 2015/568 which inserted Schedule 3. There are other amending instruments but none is relevant. Those instruments which are not statutory instruments can be found at [www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations](http://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations). Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Level 6 Zone M, Whitehall, London SW1A 2HB.

- (b) in paragraph 4 (meaning of full protection member of the NRPS 2011), for subparagraph (3), substitute—
- “(3) P ceases to be a full protection member of the NRPS 2011 at the end of whichever of the following days occurs first—
- (a) the day on which P ceases to be in pensionable service under that scheme; or
- (b) 31st March 2022.”;
- (c) omit paragraph 32 (Defence Council does not consider that the member’s service should be terminated on medical grounds).

### **Amendment of the Armed Forces Pension Regulations 2014**

- 8.—**(1) The Armed Forces Pension Regulations 2014<sup>(12)</sup> are amended as follows.
- (2) In regulation 3 (interpretation), in paragraph (1)—
- (a) in the appropriate place, insert—
- ““transition date” in relation to a transition member means—
- (a) in the case of a member who ceased to be a full protection member of a connected scheme at the end of 31st March 2022, 1st April 2022;
- (b) in any other case, 1st April 2015 or, if later, the day a person ceased to be a full protection member of a connected scheme;”;
- (b) in the definition of “transition member”, for “1st April 2015” substitute “the member’s transition date”.
- (3) In regulation 16 (eligibility for active membership), for paragraph (3), substitute—
- “(3) A person who is so eligible becomes an active member of this scheme on the person’s first day of service on or after 1st April 2015 in scheme employment (“the person’s first day”) unless—
- (a) the person exercises an option to the contrary under regulation 18; or
- (b) the person had opted out of pensionable service in a connected scheme in relation to that employment and that option had effect on the day before the person’s first day.”.
- (4) In regulation 22 (qualifying service), for “on or before 31st March 2015”, in both places it occurs, substitute “before the person’s transition date”.
- (5) In regulation 97 (members seconded to NATO or the UN etc), after paragraph (5), insert—
- “(6) This regulation is subject to regulation 97A.”.
- (6) After regulation 97 (members seconded to NATO or the UN etc), insert—

#### **“Members seconded to NATO or the UN etc: transition member secondees**

- 97A.—**(1) This regulation applies if—
- (a) the member is a transition member with continuity of service;
- (b) the member was on a secondment of a kind referred to in regulation 97(1); and
- (c) the secondment began before the member’s transition date.
- (2) Where this regulation applies, regulation 97 has effect subject to the following provisions.

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(12) S.I. 2014/2336; relevant amending instruments are S.I. 2014/3255, 2015/466, 2015/568 and 2018/1111.



(3) The requirement in regulation 97(2) for the member to make a single lump sum contribution to the scheme may be satisfied by the member making a single lump sum contribution to a connected scheme in relation to the secondment.

(4) For the purposes of regulation 97(4) and (5), the aggregate amount is determined as follows (rather than calculated in accordance with regulation 97(4))—

(a) where an amount is provided to the scheme administrator from the connected scheme in relation to the secondment, the aggregate amount is that amount;

(b) if no amount is provided, the aggregate amount is zero.”.

(7) Paragraphs (3), (4), (5) and (6) have effect on and after 1st April 2015.

16th March 2022

*Leo Doherty*  
Parliamentary Under Secretary of State  
Ministry of Defence

We consent to the making of these Regulations

16th March 2022

*Michael Tomlinson*  
*Alan Mak*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make consequential provision for members of the armed forces pension schemes arising out of provisions in the Public Service Pensions and Judicial Offices Act 2022 (c. 7) (“the 2022 Act”) which close all pre-2015 legacy schemes to future accrual after 31st March 2022. These regulations also make retrospective amendments to transitional provisions previously made under the Public Service Pensions Act 2013 (c. 25) (“the 2013 Act”) in 2015. The 2013 Act had also closed pre-2015 legacy schemes to future accrual, but subject to exceptions set out in scheme regulations.

Regulation 2 amends the three instruments which set out the Armed Forces Pension Scheme 1975. It makes changes to those instruments in consequence of the closure by the 2022 Act of that scheme to future accrual. It does so by amending the transitional provisions which were inserted in those instruments in consequence of the 2013 Act. In particular, the amendments facilitate the transition on 1st April 2022 of members of the scheme to the current armed forces pension scheme: the Armed Forces Pension Scheme 2015 (“the AFPS 2015”). The amendments to the provision governing the purchase of additional reckonable service for a period of secondment have retrospective effect. The retrospective provisions are made under section 3(3)(b) of the 2013 Act.

Regulation 3 amends the instrument which sets out the Armed Forces Pension Scheme 2005 (“the AFPS 2005”). These amendments correspond to the amendments made for the Armed Forces Pension Scheme 1975, including the provision on secondments with retrospective effect. In addition, regulation 3 amends the provision about exceptions from the closure of the scheme by the 2013 Act. Such exceptions are no longer possible after 31st March 2022. This amendment has retrospective effect for the period beginning with 1st April 2015 and ending on 31st March 2022. The retrospective provisions are made under section 3(3)(b) of the 2013 Act.

Regulation 4 amends the Armed Forces Early Departure Payments Scheme Order 2005 to update the definition of “transition date” (the date on which a person leaving the AFPS 2005 is eligible to become a member of the AFPS 2015) to reflect changes made in relation to the AFPS 2005.

Regulation 5 amends the instrument which sets out the Reserve Forces Pension Scheme 2005. These amendments correspond to the amendments made for the AFPS 2005. This includes the provisions on secondments and exceptions from the 2013 Act closure which have retrospective effect. The retrospective provisions are made under section 3(3)(b) of the 2013 Act.

Regulations 6 and 7 amend the instruments which set out, respectively, the Full-Time Reserve Service Pension Scheme 1997 and the Non Regular Permanent Staff Pension Scheme 2011. These amendments are made in consequence of the 2022 Act.

Regulation 8 amends the instrument which sets out the AFPS 2015 in consequence of the 2022 Act. It amends the rule on eligibility for active membership so that opt outs in connected pension schemes are carried forward to the AFPS 2015, with retrospective effect. It also replaces references to 31st March 2015 with references to the member’s transition date and inserts a new regulation relating to secondments both with retrospective effect. The retrospective provisions are made under section 3(3)(b) of the 2013 Act.

A full impact assessment has not been produced for this instrument.