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STATUTORY INSTRUMENTS

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**2005 No. 437**

**The Armed Forces Early Departure  
Payments Scheme Order 2005**

*Early departure payments*

**Eligibility for early departure payments**

**8.—**(1) A person is only eligible to become entitled to payments under article 9 if he meets conditions A to D.

(2) Condition A is that the person is a member of the armed forces, other than an excluded person.

(3) Condition B is that the person ceases to be in service as such a member on or after attaining the age of 40 and before attaining the age of 55.

(4) Condition C is that the person has completed a number of years' relevant service that equals or exceeds 18 years.

(5) Condition D is that the person is not entitled to the immediate payment of a pension under—

(a) rule D.5 of the AFPS 2005 (early payment of benefits: active members with permanent serious ill-health), or

(b) rule D.6 of that Scheme (early payment of benefits: active members with significant impairment of capacity for gainful employment).

(6) In paragraph (2) “excluded person” means—

(a) any person the terms of whose service exclude him from eligibility for payments under article 9, unless the Secretary of State has agreed to treat him as if they did not do so, and

(b) a person who is an active member of the AFPS 1975.