
STATUTORY INSTRUMENTS

2005 No. 437

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

Resettlement grants

Entitlement to resettlement grants

14.—(1) A person who ceases to be in service as a member of the armed forces is entitled to a lump sum payment if the person—

- (a) has at least 12 years' relevant service,
- (b) is not entitled to payments under article 9 or the immediate payment of a pension under—
 - (i) rule D.1 of the AFPS 2005 (retirement after reaching pension age),
 - (ii) rule D.5 of that Scheme (early payment of benefits: active members with permanent serious ill-health), or
 - (iii) rule D.6 of that Scheme (early payment of benefits: active members with significant impairment of capacity for gainful employment),
- (c) either—
 - (i) has not previously received a payment under this article or the corresponding provisions, or
 - (ii) has made a repayment in respect of any payment previously so received in accordance with article 15 or the corresponding provisions, and
- (d) is not a member of the AFPS 1975.

(2) The amount of the lump sum is—

- (a) except in a case where paragraph (1)(c)(ii) applies, £9,000 or such greater amount as the Secretary of State may for the time being determine, and
- (b) in that case, the same proportion of £9,000, or the sum the Secretary of State has for the time being determined for the purposes of sub-paragraph (a), as the amount repaid by him bore to the amount paid to him.

(3) The lump sum is payable before the expiry of the period of 3 months beginning with the day on which the person ceases to be in service as mentioned in paragraph (1).

(4) In paragraph (1) “the corresponding provisions” means—

- (a) paragraphs 13 to 18 of Schedule XIII to the Naval and Marine Pay and Pensions (Non-Effective Benefits and Family Provisions) Order 2004⁽¹⁾,
- (b) Articles 67 to 70 or 167A and 167B of the Army Pensions Warrant 1977,
- (c) Article 3063 of the Queen’s Regulations for the Royal Air Force⁽²⁾, and

⁽¹⁾ which is available from Service Personnel Policy (Pensions), Ministry of Defence, Main Building, Whitehall, London, SW1A 2HB.

⁽²⁾ which is available from Her Majesty’s Stationery Office.

- (d) any earlier or later provisions corresponding to those mentioned in sub-paragraph (a), (b) or (c).

Obligation to repay resettlement grant on rejoining armed forces or entering certain reserve forces service

15.—(1) This article applies where—

- (a) a person receives a payment under article 14 as a result of ceasing to be in service, and
 - (b) before the expiry of the period of 31 days beginning with the date on which his service ceases, he—
 - (i) enters service as a member of the armed forces again, otherwise than as a result of being recalled for service under Part 7 of the Reserve Forces Act 1996 or under the Reserve Forces Act 1980,
 - (ii) enters full-time service as a result of a commitment under section 24 of the Reserve Forces Act 1996 (commitment to a period of full-time service), or
 - (iii) enters service as a result of a commitment under section 25 of that Act (commitment to additional duties).
- (2) The person must repay the full amount of the payment made to him under article 14.