
STATUTORY INSTRUMENTS

2005 No. 438

The Armed Forces Pension Scheme Order 2005

Preliminary

Amendments of the Armed Forces Pension Scheme 2005

3.—(1) For the purposes of section 3(2) of the Armed Forces (Pensions and Compensation) Act 2004, so far as it applies to the Armed Forces Pension Scheme 2005, the consent requirements are as follows.

(2) The Secretary of State may not make a modification of the Scheme which would or might adversely affect any entitlement, accrued rights or pension credit rights of any member acquired before the power to modify the Scheme is exercised unless—

- (a) he has taken the steps specified in paragraphs (3) to (5) and obtained the written consent of the member, or
- (b) paragraph (6) applies.

(3) The Secretary of State must give written notice to the member that it is proposed to modify the Scheme in a manner which will or might adversely affect an entitlement, accrued rights or pension credit rights of the member that have been acquired before the modification is to take effect.

(4) The notice must—

- (a) set out the modifications proposed to be made which would or might adversely affect any such entitlement or rights, and
- (b) contain an explanation of their effects.

(5) The notice must contain a statement that the modifications will not affect any such entitlement or rights unless—

- (a) the member has consented in writing to the modifications, or
- (b) paragraph (6) applies.

(6) This paragraph applies if—

- (a) the Secretary of State has sent two copies of the notice to the member's last known address, the second being sent at least 2 months after the first, and
- (b) no response has been received from the member to either of the notices before the end of the period of one month beginning with the date on which the second was sent.

(7) In this regulation “accrued rights”, “entitlement”, “member” and “pension credit rights” have the same meaning as in Part 1 of the Pensions Act 1995(1) (see section 124 of that Act).

(1) 1995 c. 26. The definition of “pension credit rights” in subsection (1) of section 124 and subsection (2A) of that section were inserted by paragraph 61 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c. 30).