

[^{F1}SCHEDULE 2

Transitional Provision

Textual Amendments

- F1** Sch. 2 inserted (1.4.2015) by The Armed Forces (Transitional Provisions) Pensions Regulations 2015 (S.I. 2015/568), reg. 1(2), Sch. 2

PART 4

Payment of death benefits in respect of transition members with continuity of service

Eligible child's pension when a transition member dies as a deferred or pensioner member before reaching age 55

32.—(1) This paragraph applies in relation to a transition member with continuity of service (T) who dies as a deferred or pensioner member of the AFPS 2015 before reaching age 55 and for whom the conditions of regulation 72 (surviving children's pensions) of the AFP Regulations 2014 apply.

(2) A pension for an eligible child is payable under the AFPS 2005 in respect of service before T's transition date.

(3) A pension for an eligible child is payable under the AFPS 2015 in respect of service from T's transition date.

(4) The pension payable in respect of service before T's transition date is calculated in accordance with the rules in Part E of the AFPS 2005, but—

- (a) where the pensioner member was in receipt of early benefits on permanent serious ill-health, when calculating the rate of annual pension in accordance with rule E.5 (amount of pensions under rules E.1 and E.2: pensioner members), the references to rule D.5 are to be read as referring to rule D.5 as amended as specified in paragraph 14(4); and
- (b) where the pensioner member was in receipt of early benefits on significant incapacity for gainful employment, when calculating the rate of annual pension in accordance with rule E.5 (amount of pensions under rules E.1 and E.2: pensioner members), the references to rule D.6 are to be read as referring to rule D.6 amended as specified in paragraph 17(4).

(5) The pension payable in respect of service from T's transition date is calculated in accordance with the AFP Regulations 2014, but—

- (a) where the pensioner was in receipt of early benefits on permanent serious ill-health, when calculating the rate of annual pension in accordance with regulation 74 (annual rate of children's pensions), the calculation of the member's earned pension is to take account of the amendment in paragraph 14(5) to regulation 54; and
- (b) where the pensioner was in receipt of early benefits on significant incapacity for gainful employment, when calculating the rate of annual pension in accordance with regulation 74, the calculation of the member's earned pension is to take account of the amendment in paragraph 17(5) to regulation 55.]

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Pension Scheme Order 2005, Paragraph 32.