

[^{F1}Schedule 3

Remediable Service

Textual Amendments

- F1** Sch. 3 inserted (1.10.2023) by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), Sch. 2

Part 6

Voluntary Contributions

Chapter 1

General

Application of this Part

- 37.** This Part applies to a remedy member (“M”) who—
- (a) is not a deceased member, and
 - (b) was, immediately before 1st April 2022, not a full protection member of the AFPS 2005 within the meaning of Part 2 of Schedule 2.

Chapter 2

Remedial arrangements to pay voluntary contributions to the legacy scheme

Remedial arrangements: additional reckonable service

38.—(1) M may enter into a remedial voluntary contributions arrangement to pay contributions for additional reckonable service in accordance with rule C.1 (member’s option to pay contributions to increase service) of Schedule 1.

- (2) M may only enter into such an arrangement—
- (a) if the Scheme manager is satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule, M would, during the period of M’s remediable service, have entered into the same or a similar arrangement,
 - (b) before—
 - (i) the end of the period of one year beginning with the day on which a remediable service statement is first provided to M, or
 - (ii) such later time as the Scheme manager considers reasonable in all the circumstances, and
 - (c) after an application made in accordance with paragraph 39 is approved by the Scheme manager.

(3) Additional reckonable service purchased under rule C.1 (whether or not by virtue of this paragraph) is not remediable service under section 1 of PSPJOA 2022.

Remedial arrangements: general

- 39.**—(1) An application is made in accordance with this paragraph where—

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces Pension Scheme Order 2005, Part 6. (See end of Document for details)

- (a) it is in writing in a form and manner determined by the Scheme manager,
 - (b) it is accompanied by any information the Scheme manager reasonably requires to be provided for the purposes of—
 - (i) determining the matters mentioned in paragraph 38(2)(a);
 - (ii) complying with any requirements of the relevant rules in Part C of Schedule 1, and
 - (c) it is received by the Scheme manager—
 - (i) before the end of the period of 12 months beginning with the day on which a remediable service statement is first provided to M, or
 - (ii) such later time as the Scheme manager considers reasonable in all the circumstances.
- (2) The Scheme manager may treat an approved application made in accordance with subparagraph (1) as if it were a notice under rule C.1(2) of Schedule 1.
- (3) Where M enters into a remedial voluntary contributions arrangement, M owes to the Scheme manager an amount equal to—
- (a) the aggregate of the voluntary contributions which M would have owed had M entered into the remedial voluntary contributions arrangement at the time M would have entered into the same or a similar arrangement but for a relevant breach of a non-discrimination rule, less
 - (b) tax relief amounts calculated in accordance with direction 12(2) to (7) of the PSP Directions 2022.
- (4) Where a determination is made in accordance with direction 12(6) of the PSP Directions 2022, the following apply—
- (a) direction 12(8) (provision of explanation);
 - (b) direction 12(9) and (10) (appeals).
- (5) A remedial voluntary contributions arrangement entered into under this Chapter does not breach rule C.1(6) of Schedule 1 where the remedial voluntary contributions due under that arrangement in respect of any tax year would not have breached that rule had the remedial voluntary contributions been paid in that tax year.

Chapter 3

Secondment/Loan

Purchase of additional reckonable service in respect of period on loan

40.—(1) This paragraph applies where M has exercised both an option under rule C.6 (purchase of added years for members seconded to NATO or the UN etc) of Schedule 1 to this instrument and an option to preserve an entitlement to earned pension under regulation 97 of the AFP Regulations 2014 (members seconded to NATO or the UN etc) and—

- (a) both options were exercised on or before 30th September 2023,
- (b) the lump sum payable under C..6 is paid by M to the Scheme, and
- (c) any contribution under rule C6(4), calculated as at the date the option was exercised, is paid.

(2) Any entitlement to earned pension benefits in relation to M's remediable service preserved by the exercise of the option under regulation 97 of the AFP Regulations 2014 is extinguished, and that period of remediable service is treated as additional reckonable service under rule C.6 of Schedule 1.

(3) No liability for an additional contribution from the member or the Secretary of State arises as a result of the coming into force of section 2(1) of the 2022 Act.

(4) Additional reckonable service under rule C.6 (whether or not by virtue of this Schedule) is treated as remediable service within the meaning of section 1 of PSPJOA 2022 (and Chapter 1 of Part 1 of that Act, together with the provisions of this Schedule, apply accordingly).]

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces Pension Scheme Order 2005, Part 6.