
STATUTORY INSTRUMENTS

2009 No. 544

**The Armed Forces Pension Scheme
etc. (Amendment) Order 2009**

Disregard of short breaks in service

9.—(1) Rule A.10 (disregard of short breaks in service) is amended as follows—

- (a) in paragraph (1) for “If” substitute “Subject to paragraph (1A), if”;
- (b) after paragraph (1) insert—

“(1A) Where an active member meets the conditions in paragraph (1)(a) and (b) and rejoins at a lower rank than the substantive rank held at the end of the earlier service, the member may opt for paragraph (1) to apply, such option may be exercised at any time during the later service.”;

- (c) after paragraph (3) insert—

“(4) Paragraph (1A) does not apply if before the time when the condition in paragraph (1)(b) is met, a pension has come into payment for the earlier period of service.”.

(2) In rule E.3 (amount of pensions under rules E.1 and E.2: active members) after paragraph (4) insert—

“(4A) If immediately before the member’s death he was entitled to exercise the option under rule A.10(1A), then unless paragraph (5) applies, these Rules apply as if the member had exercised that option before his death.”.