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STATUTORY INSTRUMENTS

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**2014 No. 2328**

**The Armed Forces Early Departure  
Payments Scheme Regulations 2014**

**PART 4**

**Lump sums on incapacity**

**Lump sum awards: incapacity for armed forces service**

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

- (a) in the opinion of the scheme manager the person will continue to be unfit for service as a member of the armed forces because of physical or mental impairment; and
- (b) the scheme manager has received evidence from a registered medical practitioner that the person is unfit for the purposes of sub-paragraph (a); and
- (c) the person has at least 2 years' qualifying service; and
- (d) immediately before the service ceases the person was an active member of the AFPS 14; and
- (e) the person is not entitled to payments under either—
  - (i) regulation 9 (entitlement to early departure payments), where the scheme manager determines that payment should be made instead of a payment under this regulation, or
  - (ii) the immediate payment of a pension under-
    - (aa) regulation 43 (retirement on or after reaching normal pension age-active members) of the AFPS 14, or
    - (bb) regulation 51 (entitlement to ill-health pension: active members with permanent serious ill-health) of the AFPS 14, or
    - (cc) regulation 52 (entitlement to ill-health pension: active members with significant impairment of capacity for gainful employment) of the AFPS 14, or
    - (dd) regulation 60 (option for members in serious ill-health to exchange whole pension for lump sum) of the AFPS 14.

(2) The following periods do not constitute qualifying service for the purposes of this regulation—

- (a) any pensionable service in respect of which a person's rights under the AFPS 14 are extinguished, or
- (b) any pensionable service in a connected scheme in respect of which the person's rights under that scheme are extinguished.