

---

STATUTORY INSTRUMENTS

---

**2014 No. 2328**

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

**PART 1**

Preliminary

**Meaning of “final pensionable earnings”**

5.—(1) For the purposes of this scheme “final pensionable earnings”, in relation to any person, means the greatest amount that is the person’s total pensionable earnings for 365 consecutive days falling within the period of 3 years ending with the last day of the person’s service.

(2) Subject to paragraph (4), in paragraph (1) “pensionable earnings” in relation to a person in service as a member of the armed forces means—

- (a) basic pay in the service by virtue of which the person is a member for a person of their rank and seniority; and
- (b) any other amount if and to the extent that the Secretary of State has determined that it is to be treated as pensionable earnings for this purpose.

(3) Accordingly, subject to paragraph (2)(b) “Pensionable earnings” does not include—

- (a) any allowances,
- (b) any additional amounts payable in respect of particular qualifications or duties, the location of service or the conditions in which service is temporarily performed, or
- (c) without prejudice to paragraphs (a) and (b), any additional amounts payable to medical or dental officers as such.

(4) “Pensionable earnings” does not include any description of payment that the Secretary of State has determined is not to be treated as pensionable earnings, unless it is expressly provided to the person on the basis that it is pensionable earnings for this purpose.

(5) If the person was required to be in service as a member of the armed forces during any period of 365 consecutive days falling within the period of 3 years mentioned in paragraph (1) but was not in service for 365 consecutive days, that paragraph applies as if it referred to the person’s annualised pensionable earnings in the period of service ending with the last day of his service as such a member.

(6) The person’s annualised pensionable earnings in a period of service are the amount given by the formula—

$$PE \times (365 \div N)$$

where—

**PE** is the person’s pensionable earnings for the period, and

**N** is the number of days in the period for which pensionable earnings were received.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

If the period of the final pensionable earnings includes the day 29th February the figure 366 is to be substituted for 365.

(7) If at any time during the period of 3 years mentioned in paragraph (1) the person is treated under regulation 24(meaning of “assumed pay”) of the AFPS 14 regulations as receiving assumed pay or would be if that person were a member of the AFPS 14 throughout that period for the purpose of this regulation, the person’s pensionable earnings for each day during that period when the person is so treated include the assumed pay for that day.