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STATUTORY INSTRUMENTS

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**2023 No. 998**

**The Armed Forces Pensions  
(Remediable Service) Regulations 2023**

**Part 2**

**AMENDMENT OF THE ARMED FORCES PENSION SCHEME 1975**

**Amendment of the Armed Forces Pension Scheme 1975**

**2.** The Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(1), the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(2) and the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(3) (in this Part, collectively referred to as “each instrument”) are amended as follows.

**Schedule 1: The Armed Forces Pension Scheme 1975**

**3.—(1)** Schedule 1 (the Armed Forces Pension Scheme 1975) to each instrument is amended in accordance with this regulation.

(2) In rule A.1 (general), paragraph (3), insert in the appropriate places the following—

““AFRS 2020” means the Scheme established by the Armed Forces Redundancy Scheme Order 2020(4);

“PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;

“remediable service” has the meaning given in section 1 of PSPJOA 2022, and refers to service in an employment or office that is pensionable service under the Scheme, whether or not by virtue of section 2(1) of PSPJOA 2022;

“remedy member” means a member with remediable service;”.

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- (1) This Order (“the Naval Pensions Order”) sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Navy and Royal Marines. Schedule 1 to the Naval Pensions Order was revoked and replaced with a revised Schedule 1 by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010. Schedule 3 to the Naval Pensions Order was inserted by [S.I. 2015/568](#) and has been amended by [S.I. 2022/323](#). There are other amending instruments but none is relevant. Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Whitehall, London SW1A 2HB.
- (2) This Warrant (“the Army Pensions Warrant”) sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Army. Schedule 1 to the Army Pensions Warrant was revoked and replaced with a revised Schedule 1 by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010. Schedule 3 to the Army Pensions Warrant was inserted by [S.I. 2015/568](#) and has been amended by [S.I. 2022/323](#). There are other amending instruments but none is relevant. Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Whitehall, London SW1A 2HB.
- (3) This Order (“the Air Force Pensions Order”) sets out the Armed Forces Pension Scheme 1975 in relation to former members of the regular Royal Air Force. Schedule 1 to the Air Force Pensions Order was revoked and replaced with a revised Schedule 1 by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010. Schedule 3 to the Air Force Pensions Order was inserted by [S.I. 2015/568](#) and has been amended by [S.I. 2022/323](#). There are other amending instruments but none is relevant. Hard copies can be obtained from Ministry of Defence, AF Remuneration - Pensions, Main Building, Whitehall, London SW1A 2HB.
- (4) [S.I. 2020/1298](#).

- (3) In rule A.11 (reckonable service), after paragraph (1) insert—
- “(1A) Where a remedy member has made a section 6 election within the meaning of paragraph 8(1)(a) or a section 10 election within the meaning of paragraph 12(1)(a) of Schedule 4 (remediable service), the member’s remediable service is not treated as reckonable service for the purposes of this Scheme.”.
- (4) In rule D.5 (amount of immediate pension: other officers), after paragraph (4) insert—
- “(4A) Where a remedy member extended the period for which the terms and conditions of their commission committed them to serve as a result of a relevant breach of a non-discrimination rule in relation to the service within the meaning of section 25(9) of PSPJOA 2022—
- (a) paragraph (4) does not apply if the member ceases service at the end of the period for which their terms and conditions of service had required them to serve immediately before they entered into the extension, and
- (b) the relevant table for the purposes of paragraph (2)(a) is that setting out rates of pension paid on compulsory retirement for officers.”.
- (5) In rule H.1 (further pensionable service: general rule), at the end of paragraph (3), insert—
- “(c) paragraph 63 (abatement) in Schedule 4 (remediable service).”.
- (6) Paragraph (4) has effect on and after 1st April 2015.

### **Schedule 3: Transitional Provision for the AFPS 1975**

- 4.—(1) Schedule 3 (transitional provision for the AFPS 1975) to each instrument is amended in accordance with this regulation.
- (2) In paragraph 1 (interpretation), for the definition of transition date, substitute—
- ““transition date” in relation to a transition member means—
- (a) where the member has remediable service in a Scheme within the meaning of section 1 of PSPJOA 2022, 1st April 2022;
- (b) in any other case, 1st April 2015;”;
- (3) In paragraph 2 (meaning of continuity of service), sub-paragraph (2), for “T’s transition date” substitute “1st April 2015”.
- (4) In paragraph 4 (full protection members of the AFPS 1975), sub-paragraph (1), omit paragraph (b) (together with “and” at the end of paragraph (a)).

### **Schedule 4: Remediable Service for the AFPS 1975**

5. Each instrument is amended by inserting, in each case, Schedule 4 (remediable service) contained in Schedule 1 to this instrument.