



Ministry  
of Defence

# **Armed Forces Pension Scheme: Retrospective Remedy**

**Consultation Addendum**

**Enclosure 14: Re-joining the Armed Forces**

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# Re-Joining the Armed Forces

## Introduction

1. Armed Forces service may consist of both regular and reserve service, and many service personnel move between the two forms of service over the course of their careers. Prior to the introduction of the AFPS 15, this would usually mean moving pension schemes, as different types of service had different pension schemes as per the table below:

Type Of Service	Pension Scheme
Regular	AFPS 75 AFPS 05
Mobilised, Full Time or Additional Duties Commitment Reserve	FTRS 97 RFPS 05
Non-Regular Permanent Staff	NRPS 11

2. The older legacy schemes (AFPS 75 and FTRS 97) were closed to new members (including re-joiners) from 6 April 2005. The NRPS 11 was closed to new members (including re-joiners) from 31 August 2011. Anyone re-joining the service after these dates could only join the scheme that was open for their particular type of service i.e AFPS 05 or RFPS 05.
3. It is not uncommon, therefore, for service personnel who have moved between the regulars and reserves, or even just in and out of the same type of service, to have accrued rights in several different schemes. The introduction of the AFPS 15 ended this system, as it covers all forms of pensionable service in the armed forces.
4. As set out in the main body of the Armed Forces Pension Scheme Retrospective Remedy consultation document<sup>1</sup>, those eligible for the pension remedy must have been in service under an Armed Forces Pension Scheme or another public service pension scheme on or before 31 March 2012 and also during the remedy period, between 1 April 2015 to 31 March 2022. These members could have had a gap in service, but any such gap could not be longer than 5 years. Such members are referred to as re-joiners in this enclosure.

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<sup>1</sup> <https://www.gov.uk/government/consultations/armed-forces-pension-scheme-retrospective-remedy>

## Affected Members

5. The default policy for members with remediable service is that they will be rolled back on 1 October 2023<sup>2</sup> to the legacy pension scheme in which they had most recently accrued pensionable service in relation to that type of service/commitment. For the vast majority with continuous service, this will be the scheme under which they were serving on 31 March 2015.
6. Where a member cannot return to that scheme because it was closed before 31 March 2015, the MOD's policy is that they will return to the scheme which was open for that type of service (regular/reserve) on 31 March 2012, even if that was not the scheme in which they had most recently accrued pensionable service. The members affected by this policy are:
  - Those who were last in regular service and who have had periods of full-time reserve service during the remedy period: they will return to the RFPS 05 for such service.
  - Those who were last in RFPS 05 service and who have periods of regular service during the remedy period: they will return to the AFPS 05 for such service.
  - Those who were in service under AFPS 75, FTRS 97 or NRPS 11, who left such service and who later re-join in the same commitment: they will return to the AFPS 05 (regular) or RFPS 05 (reserve).
7. There is one small cohort to whom this general policy may not apply: AFPS 75 re-joiners with remediable service, who have subsequently left service with a pension in payment. This exception is covered at paragraph 16.

## Regular Service - AFPS 05

8. Where a re-joiner has two periods of remediable service in the AFPS 05, which are separated by a gap of more than six months<sup>3</sup>, they may choose to aggregate the service or leave them as separate periods<sup>4</sup>. In most cases, it will be beneficial to aggregate because the value of the pension under the AFPS 05 is calculated by reference to the total period of reckonable service.

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<sup>2</sup> The roll back applies to the remedy period only, all service post 1 April 22 is in the reformed scheme

<sup>3</sup> Under the disregard of short breaks rule, periods of service separated by less than six months are treated as a single period of service for all purposes.

<sup>4</sup> Aggregation rules are complex: broadly, where the member has more than two periods of service, they can only aggregate their most recent period of previous service with their current period of service.

However, aggregation does not happen automatically: it is a choice made by the individual member.

9. A re-joiner who has a deferred pension award under the AFPS 75 and who re-enters service under the AFPS 05 may also aggregate their most recent period of AFPS 75 service with their AFPS 05 service. In such a case, the member's preserved AFPS 75 award for that period of service is extinguished, and the relevant service is treated as though it was AFPS 05 service. Where a re-joiner chooses to aggregate a previous period of AFPS 75 remediable service with their AFPS 05 service they will have one election choice in relation to the total period of aggregated service. Where a re-joiner has remediable service in separate schemes which is not aggregated (e.g. AFPS 75/05) they will have a separate election for each scheme.
10. A re-joiner with separate periods of remediable service in the AFPS 05 who does not aggregate their service will have a separate election choice for each period of remediable service.
11. The AFPS 05 rules require that the option to aggregate must usually be exercised before the current period of service ends. MOD intends to amend that rule for members with remediable service who have already left service on implementation of the remedy or before their first Remediable Service Statement (RSS) is sent, so that they may exercise the option within one year of the first RSS being issued to them. Aggregation options will be outlined in the RSS.

### **Reserve Service – RFPS 05**

12. The total RFPS 05 pension is the aggregate of all pension benefits earned during each period of RFPS 05 service.
13. Members with more than one period of remediable service in the RFPS 05 will have only one election covering all the periods of remediable service.

### **Regular Service – AFPS 75**

14. After the AFPS 75 was closed to new members on 6 April 2005, all new and returning members of the regular forces became members of the AFPS 05. The general principle of remedy is that members with remediable service should be restored to the position that they would have been in had the discrimination not occurred.

15. In the case of former members of the AFPS 75 who re-enter regular service, the relevant legacy pension scheme would have been the AFPS 05. Accordingly, the default position for those re-joiners whose former scheme was the AFPS 75 and who are not in receipt of pension benefits on 1 October 2023 is that they will roll back to the AFPS 05 for all relevant periods of remediable service.
16. However, this could result in a disadvantage to a very small cohort of re-joiners who have subsequently discharged with a pension in payment. This is because of the way in which the 2015 transitional provisions work, which are as follows:
- After 1 April 2015, a former member of the AFPS 75 who re-joined the armed forces would be a transition member with continuity of service in the AFPS 75 and the AFPS 15 (under current rules).
  - Continuity of service is a concept which allows schemes to maintain the link between service in legacy schemes and service in the reformed scheme (AFPS 15), essentially by treating such members as active members of both schemes while they are in pensionable service under the AFPS 15. This means that schemes can pay legacy benefits on discharge as if the member were still an active member of the legacy scheme, and not a deferred member.
17. Under continuity of service rules:
- Regular service under the AFPS 15 counted as qualifying service towards the immediate pension point under the AFPS 75. If the member left service with enough qualifying service under both schemes to meet the relevant immediate pension point, they would be entitled to a pro-rata immediate pension<sup>5</sup> for life.
  - If such re-joiners were medically discharged from service with entitlement to a Tier 1 lumpsum<sup>6</sup>, under the EDP 15 rules, they would also be entitled to a pro-rated service invaliding pension (SIP) under the AFPS 75. This is because the threshold for a SIP under the AFPS 75 is the same as that for a Tier 1 lumpsum under the EDP 15 rules.
18. There may be a small number of members who were AFPS 75 transition members with continuity of service in this position. They are, or will be, by 1 October 2023, in receipt of a

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<sup>5</sup> The value of the immediate pension would be calculated by reference to their reckonable service in the AFPS 75 before 31 March 2015.

<sup>6</sup> Incapacity for Armed Forces Service.

pension under the AFPS 75 continuity of service rules, which may be a pro rata immediate pension or a service invaliding pension. However, on rollback they will be returned to the AFPS 05 scheme and will no longer be entitled to the AFPS 75 pension if the default position is applied to them, without adjustment.

19. These members will be offered the following choice:

- Retain their existing AFPS 75/AFPS 15/EDP 15 benefits provided they elect for reformed scheme benefits for the remedy period, or
- Elect for legacy scheme benefits, which means their AFPS 75 pension in payment will cease, and the remediable service will be subject to the standard AFPS 05 / EDP 05 rules. This will result in the following;
  - their AFPS 75 pension will become a deferred award,
  - their remediable service will be pensionable under the AFPS 05/EDP 05,
  - they will likely have been overpaid pension amounts (for the AFPS 75 pension) and will be required to repay these.

### **Other Factors**

20. All re-joiners eligible for remedy will receive a Remediable Service Statement (RSS)<sup>7</sup> outlining their election options. Where pension benefits are already in payment an election could result in underpayments or overpayments. In all such cases interest will be paid or levied as laid out in Enclosure 5 to the [Armed Forces Pension Scheme Retrospective Remedy consultation](#).

**Q20: Do you have any comment on the MOD's approach to re-joiners' policy and its application in respect of the retrospective remedy?**

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<sup>7</sup> See Chapter 3 of the Armed Forces Pension Scheme Retrospective Remedy consultation