



Ministry
of Defence

MMP114

Armed Forces Pension Scheme 1975 Family Benefits

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1 Introduction

1.1 If you die before your dependants, they will need to know what benefits they are entitled to receive and how to apply. This booklet explains their entitlement to pension benefits (pension and lump sum) from the Armed Forces Pension Scheme 1975 (AFPS 75).

1.2 The AFPS 75 rules have been reviewed and updated several times since introduction. This booklet explains the benefits currently available to dependants.

1.3 AFPS 75 members who opted to accept the offer to transfer to the AFPS 05 scheme are now members of that scheme and should read the AFPS 05 booklet on Family Pension Benefits, MMP 126 – <https://www.gov.uk/government/publications/armed-forces-and-reserve-forces-pension-schemes-guidance-booklets>.

1.4 If you have questions about the benefits you are receiving; or benefits your family may receive after your death or would like a pension forecast, please contact Veterans UK (for contact details see 4.1).

Armed Forces Pension Scheme 2015 (AFPS 15)

1.5 A new pension scheme will commence on 1 April 2015. Members of AFPS 75 who are in service on or after 1 April 2015, will be transferred to AFPS 15 except if you were within ten years of pension age (aged 45 or over) on 1 April 2012. This group will remain in the AFPS 75 scheme. For further details of the benefits available to members of AFPS 15, please refer to the AFPS 15 Your Pension Scheme Explained booklet (will be published in March 2015).

IMPORTANT:

This booklet provides only a summary of the rules of the relevant schemes. It is not a full explanation of all of the rules and is not the legal basis for any entitlement under the scheme. If there are any differences between the scheme rules and an explanation in this booklet, the scheme rules take precedence and will be followed.

In addition, this booklet does not give you financial or legal advice. If you want financial or legal advice, you or your dependants should consult an independent adviser.

2 Summary of AFPS 75 Dependant Benefits

2.1 Your entitlement to a pension ceases on your death. However; if you are married, in a civil partnership or are in a long term relationship your spouse / civil partner or eligible partner may be entitled to a Forces Family Pension.

2.2 **Widows Benefits** – If your marriage took place while you were serving, the Family Pension is based on your total service. If your marriage took place after you left the Regular Armed Forces or you joined after 6 April 1978 a Family Pension based on service from 6 April 1978 or the date of joining, whichever is later.

2.3 **Widowers/Civil Partners Benefits** – To be eligible you must have served on or after 1 October 1987. If the marriage / civil ceremony took place while serving, the pension is based on your total service. However, if the marriage / civil ceremony took place after your retirement the pension will be based on service from 6 April 1978, only.

2.4 **Eligible Partner Benefits** – Your partner may be eligible to receive a pension where death was attributable to Service. This is the same as that paid to a spouse/civil partner. For a partner's pension to be awarded you must have been:

- a. in service on or after 15 September 2003, and;
- b. in a substantial and exclusive relationship at the time of death, and;
- c. free to marry; and
- d. Your partner was financially dependent or financially interdependent on you.

2.5 Rates of Pension Payable

- a. For service that ended before 31 March 1973, your widow will receive one third of your basic pension, no Short Term Family Pension is payable. The rate may be increased to one half if additional contributions were made.
- b. For service on or after 31 March 1973, your widow will receive a pension of one half of your basic pension (for widowers and civil partners you must have been in service on or after 1 Oct 1987). If you have service pre and post 31 March 1973, the service pre 1973, may be increased to one half if additional contributions were made.

- c. If you married or entered a civil partnership after your discharge, your widow/widower/partner will receive half the basic pension based on service on or after 6 April 1978.
- d. For service on or after 31 March 1973, a Short Term Family Pension equal to your rate of basic pay (for death in Service) or the pension in payment at the time of your death will be paid for 13 weeks to your spouse or partner. This may be increased to 26 weeks if there are any eligible children.

Survivor Benefits after Re-marriage, Forming a new Partnership or Cohabitation.

2.6 Since 31 October 2000, if your death is attributable to service in the Armed Forces, your surviving spouse/partner (widow/widower/civil partner) will receive a pension for life. However, for non attributable deaths and attributable deaths before this date, pension benefits are suspended if your surviving spouse/partner, remarries, enters a new civil partnership, or cohabits. If the relationship that led to suspension ends, your spouse/partner may apply for restoration of pension, but reinstatement is subject to a test.

2.7 From 1 April 2015, all surviving spouses/partners can retain their pension for life. This also applies to surviving spouses/partners currently receiving a pension, who will no longer have their pension suspended if they form a new relationship. However, where a surviving spouse's/partner's pension has been suspended due to re-marriage, new civil partnership, or cohabitation before 1 April 2015, it will remain suspended until the current relationship ends. If the relationship ends on/after 1 April 2015, the spouse/partner can apply for restoration without this being subject to a test. Those previously refused on this basis may also reapply for restoration from 1 Apr 2015. Applications should be made to Veterans UK (for contact details see 4.1).

Pension for Children

2.8 Pensions are also payable for eligible children, up to a total of one half of the member's entitlement (where a surviving spouse or civil partner's pension is also payable), with no one child receiving more than a quarter of the pension. Pensions for children will normally stop when the child reaches 17, although the payment may continue up to the age of 23 if the child is in full time education or training, or

longer if at the time the member died the child is unable to support him/herself, for reasons of disability. Different provisions apply where the child's pension came into payment before April 2006. Please refer to Veterans UK for further guidance. Also see Eligibility in Table 7.

Death in Service

2.9 If you die in Service, a tax-free lump sum payment of three times (or four times if an 'Improved death in benefit AVC' has been purchased) representative pay will be made to your eligible dependant or your estate. As a Death-In-Service lump sum is paid, there will be no deferred pension lump sum payable. In addition, your spouse, civil partner or eligible partner may be entitled to receive a survivor's pension.

Nomination of Benefits

2.10 Under AFPS 75, you cannot nominate the person(s) you would like to receive any lump sum benefits due to you when you die. Only a legal spouse, civil partner or dependant children can receive a lump sum and/or a survivor's pension. An eligible partner may be eligible for the same benefits if the death is deemed to be attributable to service.

Attributable Dependants' Benefits (AFAB)

2.11 Attributable benefits are paid to dependants under different arrangements depending on whether the death was caused by service before or after 6 April 2005.

- a. Where the cause of death was before 6 April 2005, attributable benefits may be paid under two schemes:
 - i) the War Pensions Scheme;
 - ii) the Armed Forces Attributable Benefits Scheme.

2.12 Under the AFAB scheme, a long term compensation payment may be paid and the non attributable AFPS pension is topped up to the higher AFAB. The short term family pension is extended to 26 weeks.

2.13 The attributable family pension benefits under AFAB may be reduced if a compensation for death award is made from the MOD or a third party. The pension will never be reduced below the level of non attributable Family pension.

2.14 See the Veterans UK: 'Leaflet 1 – Notes about War Disablement and War Widows Pensions, <https://www.gov.uk/government/publications/armed-forces-compensation> and the Defence website <https://www.gov.uk/war-widow-pension>

2.15 Where the cause of death was attributable to service on or after 6 April 2005, benefits may be paid under the Armed Forces Compensation Scheme. See the Armed Forces Compensation Scheme booklet: "Your Compensation Scheme Explained" – MMP/125 <https://www.gov.uk/government/publications/armed-forces-and-reserve-forces-pension-schemes-guidance-booklets>

Death While Pension in Deferment

2.16 If you leave the Armed Forces with a deferred pension and subsequently die before the pension comes into payment a lump sum is payable. The lump sum is three times the annual pension that would have been paid if the pension had come into payment on the day of death. This is paid to your eligible dependant or your estate. In addition, your spouse or civil partner may be entitled to receive a survivor's pension.

Death in Retirement (Pension in Payment)

2.17 If you die in retirement, within one year of your discharge and your pension is in payment your spouse / civil partner / dependant children or your estate may be entitled to a lump sum. This is the difference between three times the representative annual pay and the lump sums already paid at discharge; including any lump sum paid under the resettlement commutation scheme. In addition, your spouse or civil partner may be entitled to receive a survivor's pension. However, if the marriage/ civil partnership were formed after discharge from the Armed Forces the amount of pension would disregard any pensionable service before 6 April 1978.

Examples of Benefits

2.18 The following tables are examples of dependant benefits that could be paid.

Table 1 – Non Attributable Dependant Benefits

Death in Service

Non-attributable benefits are paid where the death is not related to Service e.g. off duty road traffic accident, illness, natural causes.

Pension benefits may be paid to your spouse / civil partner.

Short term pension	1. Based on daily rate of member's pay: a. 13 weeks (no eligible children); or b. 26 weeks (one or more eligible children).
Long term pension	2. Long term pension paid when short term pension ceases based on (see note a): a. One half of pension that would have been received if discharged due to ill health 3. Children's benefits may also be paid – See Table 7.
Death in service lump sum	4. Lump sum calculated at 3 times member's representative pay.
Eligible Partner	5. Not entitled to benefits. However, if there were children from the relationship benefits maybe payable – See Table 7.

Long Term Pension note:

a. If the pension member dies without dependants any lump sum due is paid to his/her estate.

Table 2 – Non-Attributable Dependant Benefits***Death in Retirement – pension in payment***

Non-attributable benefits are paid where the death is not related to Service e.g. road traffic accident, illness, natural causes.

Pension benefits may be paid to your spouse / civil partner.

SHORT TERM PENSION (where service ended after 31 March 1973)	1. Based on daily rate of member's pension in payment paid for: <ul style="list-style-type: none"> a. 13 weeks (no eligible children); or b. 26 weeks (one or more eligible children).
LONG TERM PENSION	2. Long term pension paid when short term pension ceases based on (see notes a to d): <ul style="list-style-type: none"> a. One half of pension based on service given on or after 31 March 1973, and/or b. One third of pension based on service given up to 31 March 1973 (unless member made additional contributions to up-rate the pre 1973 service to half rate). 3. Children's pensions may also be paid – See Table 7.
LUMP SUM	4. Where the member dies within one year of discharge and was receiving an immediately payable pension a lump sum may be paid. See paragraph 2.14
ELIGIBLE PARTNER	5. Not entitled to benefits. However, if there were children from the relationship, benefits maybe payable – See Table 7.

Long Term Pension Notes:

- a. If the pensioner member was in service on or after 1 October 1987, and the marriage or civil partnership took place after retirement, benefits are only paid for service on or after 6 April 1978. Service prior to this date is disregarded.
- b. If the pensioner member was in service on or after 1 October 1987, (and the marriage or civil partnership was during service) their widower or civil partner benefits are based on total service.
- c. If the pensioner member left service before 1 October 1987, there is no entitlement to pay benefits to their widower or civil partner.
- d. If the pension member dies without dependants any lump sum due is paid to his/her estate.

Table 3 – Non-Attributable Dependant Benefits Death in Deferment (pension not yet in payment)

If the member leaves the Armed Forces after 31 March 1975, with an entitlement to a deferred pension this pension is paid when the member reaches age 60 for service before 6 April 2006 and age 65 for service after that date.

Non-attributable benefits are paid where the death is not related to Service e.g. road traffic accident, illness, natural causes. Pension benefits may be paid to your spouse / civil partner.

PENSION	<ol style="list-style-type: none"> 1. No short term pension payable. 2. Long term pension payable based on (see notes a to d): <ol style="list-style-type: none"> a. One half of pension based on service given after 31 March 1973 and/or b. One third of pension based on service given up to 31 March 1973 (unless member made additional contributions to up-rate the pre 1973 service to half rate). 3. Children's pensions may also be paid – See Table 7.
LUMP SUM	<ol style="list-style-type: none"> 4. Equivalent to three times annual long term pension.
ELIGIBLE PARTNER	<ol style="list-style-type: none"> 5. Not entitled to benefits. However, if there were children from the relationship benefits maybe payable – See Table 7.

Long Term Pension Notes:

a. If the pensioner member was in service on or after 1 October 1987, and the marriage or civil partnership took place after retirement, benefits are only paid for service on or after 6 April 1978. Service prior to this date is disregarded.

b. If the deferred member was in service on or after 1 October 1987, (and the marriage or civil partnership was during service) their widower or civil partner benefits are based on total service.

- c. If the deferred member left service before 1 October 1987, there is no entitlement to pay benefits to their widower or civil partner.
- d. If the deferred member dies without dependants any lump sum due is paid to his/her estate.

Table 4 – Attributable Dependant Benefits

The cause of death is from an illness, injury or exposure occurring before 6 April 2005, and the death happens after leaving service

The overall payment may be made up of a non attributable pension from AFPS 75 and a compensation award. The compensation award may be made up of 2 parts; the War Pension Scheme (WPS) and the Armed Forces Attributable Benefits (AFAB) scheme*.

<p>AFPS PENSION</p>	<p>1. Short term pension – this is only payable if the deceased was in receipt of a pension at the time of death – paid for 13 weeks at rate of pension or extended to 26 weeks if there were eligible children.</p> <p>2. Adult dependant’s pension – paid at 50% of equivalent member’s pension.</p> <p>3. A lump sum – 3 x annual pension payable if the deceased member’s pension was not yet in payment at the time of death (deferred member).</p> <p>4. Children’s benefits may also be paid – See Table 7.</p>
<p>COMPENSATION War Pension Scheme</p>	<p>5. Widow/widower’s pension.</p> <p>6. Supplementary allowances for Age and Children.</p> <p>7. For more information see JSP 765 https://www.gov.uk/government/publications/joint-service-publication-jsp-765-the-armed-forces-compensation-scheme</p>

<p>Armed Forces Attributable Benefits Scheme</p>	<p>8. Short term pension to spouse/civil partner or eligible partner is extended to 26 weeks even if there are no dependant children.</p> <p>9. Adult survivor’s pension – 90% of AFPS 75 full career pension for the rank less the standard rate of National Insurance Pension as set out in Attributable Family Pension Code</p> <p>10. The short term and long term pension under AFPS 75 is not in addition to the occupational non attributable pension under AFPS 75. The occupational pension will be topped up to the higher rate of AFAB.</p> <p>11. Attributable gratuity – 100% annual full career pension. This is a lump sum, only payable if death occurred within one year of the scheme member’s discharge, with an immediate pension in payment. The amount depends on the rank and the disablement of the deceased, compared to the max amount of pension he/she could qualify for. The higher of the two is paid out to dependants. However, it maybe reduced if the member received a lump sum on discharge.</p> <p>12. Armed Forces Attributable Benefits Scheme benefits paid for life to widows, widowers, civil partners, and eligible partners.</p> <p>13. Children’s benefits may also be paid – See Table 7.</p>
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* WPS & AFAB has different burdens of proof. There can be instances where only WPS is paid & no compensation is paid from AFAB.

Table 5 – Attributable Dependant Benefits

Death in service on or after 6 April 2005

An award may be made up of a non-attributable pension entitlement from AFPS 75 and a compensation award from the Armed Forces Compensation Scheme (AFCS) where the death is caused by service. Dependants will not receive full benefits under both schemes. The AFCS award will be adjusted to take account of the amount of any AFPS 75 benefits. The total awarded will be equal to or more than the AFPS 75 pension.

<p>PENSION</p>	<ol style="list-style-type: none"> 1. Short term pension – paid for 13 weeks at rate of pay or extended to 26 weeks if there are eligible children or death is made attributable to service. 2. Adult Dependant’s pension – 50% of equivalent member’s pension. 3. A lump sum – 3 x representative pay. 4. Benefits paid for life to spouse, civil partner or eligible partner. The pension is not stopped if the surviving spouse/civil partner begins a new relationship). 5. Children’s benefits may also be paid – See Table 7.
<p>COMPENSATION Armed Forces Compensation Scheme (AFCS)</p>	<ol style="list-style-type: none"> 6. A Survivor’s Guaranteed Income Payment (SGIP) is based on the member’s age and salary at the time of death. The amount is then multiplied by 0.6 to give the annual amount to be paid to the surviving adult dependant. Where an AFPS 75 award is also paid in relation to the deceased the SGIP is adjusted by 75% of the value of that pension. 7. AFCS benefits are paid for life to a spouse, civil partner or eligible partner. 8. Children’s benefits may also be paid – See Table 7. 9. A Bereavement grant (BG) of up to £25,000 may also be paid (Where a death, caused by service, occurs after the person has left service, the BG is paid regardless of the pension scheme of the member. In these cases, the BG amount paid is increased to £37,500).

Table 6 – Attributable Dependant Benefits

The cause of death is from an illness, injury or exposure occurring on or after 6 April 2005, and the death happens after leaving service (pensioner or deferred pension member)

An award may be made up of a non attributable pension entitlement from AFPS 75 and a compensation award from the Armed Forces Compensation Scheme (AFCS) where the death is caused by service. Dependants will not receive full benefits under both schemes. The AFCS award will be adjusted to take account of the amount of any AFPS 75 benefits. The total awarded will be equal to or more than the AFPS 75 pension.

PENSION	<ol style="list-style-type: none"> 1. Short term pension is payable if the deceased was in receipt of a pension at the time of death – it is paid for 13 weeks at rate of pension, extended to 26 weeks if there are eligible children or the death is made attributable to service. 2. Adult Dependant's pension – 50% of equivalent member's pension. 3. A lump sum – 3 x annual pension payable if the deceased member's pension was not yet in payment at the time of death. 4. Benefits paid for life to spouse, civil partner or eligible partner (from 31 October 2000) and pension is not stopped if the surviving spouse/civil partner begins a new relationship. 5. Children's benefits may also be paid – See Table 7.
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COMPENSATION Armed Forces Compensation Scheme (AFCS)	<p>6. A Survivors Guaranteed Income Payment (SGIP) is based on the member's age and salary at the time of death. The amount is then multiplied by 0.6 to give the annual amount to be paid to the surviving adult dependant. Where an AFPS 75 award is also paid in relation to the deceased the SGIP is adjusted by 75% of the value of that pension.</p> <p>7. AFCS benefits are paid for life to a spouse, civil partner or eligible partner.</p> <p>8. Children's benefits may also be paid – See Table 7.</p> <p>9. A Bereavement grant (BG) of up to £25,000 may also be paid (where a death, caused by service, occurs after the person has left service. The bereavement grant is paid regardless of the pension scheme of the member. In these cases, the bereavement grant amount paid is increased to £37,500).</p>
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Table 7 – AFPS 75 CHILDREN'S PENSIONS*A pension may be paid to eligible children of members of AFPS 75.*

ELIGIBILITY	<p>1. To be eligible a child must have a qualifying relationship and be financially dependant on the member. The qualifying relationships are:</p> <p>a. Active Members</p> <ul style="list-style-type: none"> i. Is the member's son or daughter, ii. Is the son or daughter of the member's spouse or civil partner, iii. Is the member's grandchild or grandchild of the member's spouse or civil partner who is dependant on the member at the time of death (if the child has a living parent, it must be shown that they are unable or unwilling to take responsibility). <p>b. Deferred and Pensioner Members</p> <ul style="list-style-type: none"> i. Is the members son or daughter and born while the member was serving, or within nine months of the member leaving, ii. If born more than nine months after the member left service the child is eligible if the parents marriage occurred during Service, iii. Adopted child of the member, spouse or civil partner. The adoption must be completed or the application to adopt started before the member leaves service. iv. Is the son or daughter of the member's spouse or civil partner (the marriage or civil partnership occurred during service). v. Grandchild of the member, their spouse or civil partner who is dependant on the member at the time of death (if the grandchild has a living parent, it must be shown that they are unable or unwilling to take responsibility).
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<p>ELIGIBILITY <i>(continued)</i></p>	<p>2. A pension is paid to an eligible child up to age 17 or until they cease in full time education or training up to the age of 23 (unless physically or mentally impaired and unable to work and dependent on the member at time of death, when pension will be paid for life). Different provisions apply where the child's pension came into payment before April 2006 – please refer to Veterans UK for further guidance.</p>
<p>AMOUNT OF PENSION</p>	<p>3. A long term pension is paid. This is up to one quarter of the member's pension for one child or half the members pension divided equally between the eligible children, with no child receiving more than a quarter of the pension.</p> <p>4. If a child has no living parents, or if the child has a living parent and it is proven they are unable or unwilling to take responsibility for the child. The scheme may consider paying the survivors pension, divided equally, with no child receiving more than one third of the pension to the child's legal guardian. In this case a short term pension may be payable to the legal guardian</p>
<p>COMPENSATION</p>	<p>5. Where the AFPS 75 member's death was attributable to service on or after 6 April 2005, a compensation payment may also be paid from the Armed Forces Compensation Scheme If the cause of death is attributable to service pre 6 April 2005, and a War Pension Scheme payment is made, consideration will be given to a top up award from the Armed Forces Attributable Benefits</p>

3 How to Claim

3.1 In the event of your death, your dependant(s) (e.g. spouse, civil partner, eligible partner or children) or personal representative (for example a solicitor or relative acting on their behalf) should contact Veterans UK Pensions Division. They will be sent an application forms inviting them to claim any pension benefits or lump sum benefit due to them or your estate (the form is also available on line <https://www.gov.uk/government/publications/service-personnel-and-veterans-agency-spva-pensions-forms>).

4 Contact Details

4.1 The contact details for the Pensions Division are:

Veterans UK
Pensions Division
Mail Point 480
Kentigern House
65 Brown Street
Glasgow
G2 8EX

Tel: 0141 224 3600 (Enquiry Service)

Email: Veterans-uk@mod.uk

5 Further Information

5.1 General information about the AFPS 75 scheme can be found in the booklet “Your Pension Scheme Explained”, at <https://www.gov.uk/government/publications/armed-forces-and-reserve-forces-pension-schemes-guidance-booklets>. The web site also provides information about other Armed Forces pension schemes.

