



Ministry of Defence

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Our Reference: FOI2015/08048

[REDACTED]

[REDACTED]

13 October 2015

Dear [REDACTED],

Thank you for your letter to the Ministry of Defence (MOD) dated 16 September in which you requested the following information:

If, as you say, the purpose of the April 2010 Amendment was to harmonize the rules between the three Services, why did you introduce an age limitation for Gurkhas that was not included in the original terms of the transfer? What was the reason for this?

What is the effect of this amended ruling in the 2010 Royal Warrant on:

- a. Retired Gurkha veterans who transferred from GPS to AFPS on 1 December 2008?
- b. Gurkha veterans who left the Army after 1 December 2008 and before 6 April 2010 with service prior to 1 July 1997?
- c. Gurkha veterans who left the Army after 6 April 2010 with service prior to 1 July 1997?

A search for the information has now been completed within the MOD, and I can confirm that the MOD does not hold any recorded information within the scope of your request.

Although the MOD does not hold recorded information which answers your question about the wording of the pension scheme rules relating to Gurkhas who accepted the offer to transfer, under Section 16 of the FOI Act (Advice and Assistance) we can offer the following advice.

The purpose of the harmonisation exercise in 2010 was to eliminate differences between the pension scheme rules for the Royal Navy, Army and Royal Air Force, and in doing so produce a single policy for the Armed Forces. The provisions for the Gurkha Offer to Transfer (GOTT) are only included in the Army Pension Warrant 1977 Amendment 40,

which was replaced by the Royal Warrant in April 2010. There was no need to alter or amend the rules relating to the GOTT during the harmonisation exercise.

It may also be helpful if I refer you to the following example from page 24/25 of the GOTT Policy Instruction, which confirms how reckonable service is calculated for a Gurkha officer, accepting the offer, who gave service before and after age 21.

The treatment of any service before age 18/21 will be as follows:

- Service on or after 1 July 1997 will get a credit of one year in AFPS 75, but any service before age 21 (officers) or before age 18 (other ranks) does not count for pension;
- GPS pensionable service before 1 July 1997 will all be taken into account in the calculation of AFPS 75 pensionable service, even if it was before age 18 or 21. However, a Gurkha will not be given a credit in AFPS 75 that is higher than the amount of service given from age 21 (officers) or age 18 (other ranks) before 1 July 1997 – see following example.

Example: a Major joined the Army at age 20 in 1990 and has 7 years' service before 1 July 1997, but only 6 years from age 21. With his service credit of 23%, his 7 years' service is worth 1.61 (7 x 23%) pensionable years in AFPS 75. This is below the 6 years' service he completed from age 21, so he gets 1.61 years' service in AFPS 75.

I hope that this response will be helpful to you.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,



Defence People Secretariat