

**CHAPTER 41**  
**SERVICE PENSIONS, SERVICE INVALIDING PENSIONS,**  
**SERVICE ATTRIBUTABLE PENSIONS, TERMINAL GRANTS AND**  
**GRATUITIES—AIRMEN**

**SECTION 1—SERVICE PENSIONS,  
SERVICE INVALIDING PENSIONS,  
SERVICE ATTRIBUTABLE PENSIONS**

**3016. Applicability of Regulations.**

(1) The provisions of this Section apply, to airmen discharged or transferred to the Reserve on, or after, 31 March 1995 (ie whose last day of service on full pay was 31 March 1995, or later).

(2) They do not apply to:

(a) Personnel entered into the RAF on special conditions of service eg personnel of the RAF (Malta) and the RAF (Malaya), except as may be specially provided in their conditions of service;

(b) Those who have opted out of the Armed Forces Pension Scheme and into a personal pension plan, except as otherwise indicated;

(c) Personnel serving on an ASYTS engagement, except as provided for in Appendix 47.

**3017. Reckonable Service.**

(1) Reckonable service for the purpose of determining entitlement to pension will, subject to clause (2) include:

(a) Unforfeited full-pay service in the Forces of the UK, other than as a commissioned officer, after attaining the age of 18 years;

(b) Service as a commissioned officer which would count as reckonable service under para 2928.

(c) Service on full pay for the purpose of training, while a member of the Auxiliary and Reserve Forces, except broken periods each of less than six months' duration;

(d) Service, while a regular airman, in appointments not remunerated from Air Force funds and not reckonable under any other superannuation scheme, to which the airman brings his service knowledge and from which he acquires additional experience and which have been officially offered to him as part of his RAF service.

(e) Service over the age of 18 years on an ASYTS engagement;

(f) Former full pay service in the Commonwealth military forces, but only where service in the UK Armed Forces commenced before 1 September 1985;

(g) For an airwoman whose baby was due on or after 16 October 1994, the first 14 weeks of maternity leave, whether this leave is paid or unpaid.

(2) The following shall not be reckonable as periods of service towards pension:

(a) Service forfeited by desertion including service forfeited by sentence of court martial;

(b) Days for which all ordinary pay has been forfeited, except where before 1 July 1972 it has been forfeited:

(i) During periods of field punishment; or

(ii) Under Sections 72(2)(hh) and 78(3)(aa), of the Air Force Act, as at 30 June 1972.

(c) Service on all former attestations where any former attestation was not acknowledged on enlistment or re-enlistment into the RAF, except as may otherwise be decided in deserving cases;

(d) Periods served before enlistment by an airman who is convicted of having improperly enlisted whilst belonging to the Reserve Forces of the Crown, but who on conviction of the offence is retained in regular Air Force service, except as may otherwise be decided in deserving cases.

(e) Periods on full pay during which an airman has opted out of the Armed Forces Pension Scheme.

**3018. Adjustments for Previous Service.**

(1) Service preceding a 5 year interval and given wholly before 31 March 1975 shall not be reckonable towards pension unless allowed exceptionally and such exceptions will normally be determined at the time service is resumed. Where, during a break in service, the airman was a member of a

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Reserve of any of the Forces, undertaking or liable for periodic training, the period of such membership shall not be regarded as an interval in service for the purpose of deciding whether the previous service shall be reckonable.

(2) Previous service which ended on or after 1 April 1975 and for which preserved benefits were awarded, may be reckonable irrespective of the length of the break in service. An airman who re-enters the Service on or after 1 April 1985 may count all previous service as reckonable, even though preserved benefits were not awarded; such service may also count towards the minimum period required to qualify for immediate benefits.

(3) For previous service in respect of which the airman received a service gratuity and for any previous service other than in the RN, RM, the Army or the RAF, it may be stipulated as a condition for allowing such service to count towards pension, that the airman shall make a payment to Air Force funds in a lump sum, at the onset of his pensionable engagement. In default of such payment as has been stipulated, the previous service shall not be reckonable.

(4) Previous service which has been credited to another pension scheme by means of a transfer value will not count as reckonable service unless a subsequent transfer value payment has been made to the Armed Forces Pension Scheme in respect of that service.

(5) Servicemen from Commonwealth countries who enter the RAF on or after 1 September 1985 may have their former Commonwealth service counted as reckonable service in the AFPS only if:

- (a) they "buy in" the service under the Purchase of Added Years Scheme; or
- (b) a transfer value is paid into the AFPS on their behalf.

### **3019. Purchase of Added Years and Service Credit by Transfer Payment.**

(1) An airman may be eligible to purchase notional years of service which may be added to the service which he has actually given to reckon in the calculation of his pension.

(2) An airman in respect of whom a transfer payment is accepted from a former pension scheme may be credited with such reckonable service as corresponds to the amount of the transfer value received.

(3) Purchased added years and service credited by a transfer payment will not count towards the

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minimum period of reckonable service necessary for the award of a service pension or service invaliding benefits.

(4) Full details of the above schemes may be obtained from RAF Pensions 2, HQ PTC, see also Chapter 47.

### **3020. Rank for Pension Purposes.**

(1) Subject to clauses (2) and (3), rank for the purpose of calculating pension will be the highest paid rank held for a period of two years or more during the five years' reckonable service preceding discharge or transfer to the Reserve. Where, during his last 5 years of service, an airman has held 2 or more ranks, and none of the higher ranks has been held for a period of 2 years or more, any service in a higher rank may be aggregated with a period in a lower rank to provide the requisite 2 years in the rank assessment for pension. Any other period in excess of one year in any rank above that used for the pension assessment and not included in that assessment, may count towards pension at one half of the difference between the rate for the next higher rank and the rate for the lower rank on which the pension is assessed. Any period in excess of one complete year will be assessed proportionately.

(2) An airman who is invalided may be awarded pension based on the substantive rank held on discharge, if more favourable than that provided for in clause (1); or on paid acting rank at the time of discharge, providing it was on a regular roster advancement and not local promotion to fill a temporary staffing gap.

(3) If an airman or airwoman has completed a pensionable engagement, but is permitted to remain in service without a break, but reverts to a lower rank on so remaining in service, the pension finally awarded on discharge will be the current rate of pension appropriate to the higher rank in respect of 22 years' reckonable service, plus an addition equal to the increments over the 22 year rate of pension appropriate to the lower rank for the extra period served in that rank. The pension may, however, be calculated under the provisions of paragraphs 3041(5) and 3041(6) if this is more advantageous.

### **3021. Rates of Service Pension.**

(1) The annual rate of service pensions and details of additions to pension for aircrew qualifying service and previous commissioned service, will be as set out in AP 3392, Vol 2, Leaflet 1812.

(2) The maximum rate of pension will be that appropriate to 37 years' reckonable service.

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(3) Rates of pension for any period of reckonable service less than a complete year will be calculated proportionately in days. The award will be assessed on the number of years of reckonable service completed, with an addition for each further day of 1/365 of the increase which would have been admissible, had the airman served to complete the further year.

(4) Where an airman has previous service with a locally engaged force, such service may count in full under the provisions of para 3017 towards eligibility for pension, but in the calculation of the amount of the pension, service in the RAF(Malta) will count as 70% of the actual length, and RAF(Malaya) will be assessed at Malayan rates and converted to sterling.

### 3022. Conditions of Award.

(1) An airman may be awarded a service pension provided he has completed at least 22 years' reckonable service.

(2) An airman or airwoman who has opted out of the Armed Forces Pension Scheme, or elected not to become a member, may be allowed one subsequent opportunity to join or rejoin, subject to medical fitness and provided that application is made before reaching age 55. If previous Armed Forces Pension Scheme service had been transferred out of the Scheme, that and all service during which the airman or airwoman had opted out of the Scheme may be transferred into the Scheme under the transfer rules applying at the time of transfer. All actual service may then count towards the minimum periods required to qualify for benefits under the Scheme as though that service had been entirely within the Scheme, but only service equivalent to the transfer value of the service transferred into the Scheme, plus actual service completed after the transfer, will reckon for the purpose of calculating the amounts of benefit payable. If the total of such service is less than the minimum period required to qualify for the benefit in question, the amount of benefit payable will be calculated on a pro-rata basis.

If previous Armed Forces Pension Scheme service had not been transferred out of the Scheme, and service during which the airman or airwoman had opted out of the Scheme is transferred into the Scheme, all actual service may then count towards the minimum periods required to qualify for benefits under the Scheme as though that service had been entirely within the Scheme, but the benefit will be calculated in two stages as follows:

(a) according to rank and length of service prior to opting out of the scheme; and

(b) according to rank and the sum of the transfer value of the service transferred into the Scheme and the actual service completed after rejoining the Scheme.

If service during which the airman or airwoman had opted out of the Scheme is not transferred into the Scheme, only service within the Scheme may count towards the minimum periods required to qualify for benefits under the Scheme, and the benefit will be calculated in two stages as previously.

Where an airman or airwoman was ineligible to join or rejoin the Armed Forces Pension Scheme, and subsequently becomes eligible, then provided he or she applied to join or rejoin at the earliest opportunity, all actual service may then count both towards the minimum periods required to qualify for benefits under the Scheme and in calculating the amount of benefit payable. The accrued benefits in any other pension scheme of which he or she was a member may either be frozen as from the date of application to join or rejoin the Armed Forces Pension Scheme, and held as a personal asset, or, in the case of a contributory scheme, he or she may take a refund of the contributions paid.

(3) An airman serving on an engagement to complete at least 22 years' reckonable service, on the termination of which he would have been eligible for a service pension, who is permitted to take his discharge under the provisions of para 607(2)(b) less than three months before completion of his engagement, will be eligible for a service pension calculated on the reckonable service rendered, notwithstanding that his reckonable service falls short of 22 years.

### 3023. Invaliding.

(1) The rates of service invaliding pension and service attributable pension which may be awarded are as set out in AP 3392, Vol 2, Leaflet 1813, Annexes A and B.

(2) Unless the Defence Council decide otherwise, an airman who is invalided from the Service having completed:

(a) at least 5 years' qualifying service as defined in para 3017 may be awarded a Service Invaliding Pension at the rate appropriate to his rank and length of service;

(b) between 2 and 5 years' service, as defined in para 3017, may be awarded an invaliding pension calculated at the preserved pension rate.

In cases where the Defence Council so decide, the award and amount of service invaliding pension will be at their discretion.

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(3) Where an individual is invalided with between two and five years' full paid service, which falls mostly or wholly before the age of eighteen, he will receive an invaliding pension based on the better of the following:

(a) Reckonable service at the preserved pension rate;

(b) All service at the requisite benefit rate (see Appendix 45).

(4) An airman who at any time during his service has opted out of the Armed Forces Pension Scheme may qualify for an award under sub-para (2) or (3) above but based only upon his service whilst opted in.

(5) Unless the Defence Council decide otherwise, where an airman is invalided from the Service as the result of disabilities which are accepted by the DSS as attributable to or aggravated by his service, (including one who has opted out of the Armed Forces Pension Scheme) and the degree of disability is assessed at 20 per cent or more, he may be awarded a service attributable pension. This will be either the award for which he is eligible under clause (2) of this para, or the minimum rate of service attributable pension appropriate to his rank and percentage of disability as set out in AP 3392, Vol 2, Leaflet 1813 Annex B, whichever is the greater. Where an airman is ineligible for an award under clause (2) he may be awarded service attributable pension at the appropriate rate. Service attributable pension may be awarded irrespective of length of service, but is subject to adjustment or cessation as provided for in clause (6). In cases where the Defence Council so decide, the award and the amount of service attributable pension will be at their discretion.

(6) Where an airman is granted service attributable pension, the award will be adjusted upwards or downwards (but not below the rate of service invaliding pension to which he may otherwise be eligible) during the first 12 months following discharge, according to the degree of disability. Thereafter the award will be adjusted only if the degree of disability rises or when it falls below 20 per cent. The revised rate of service attributable pension will be the rate appropriate to the new degree of disability, payable under the pension code in force when the airman was discharged, increased as appropriate by pensions increase measures. Payment of service attributable pension will cease where the degree of disability falls below 20 per cent. However, in such a case payment of service invaliding pension may continue where the airman has sufficient service to qualify for it under the terms of clause (2).

(7) If an award of unemployability supplement is made to an airman by the DSS during the first 12

months following his discharge, or following the date of determination of attributability by the DSS if later, any award at the minimum rate of service attributable pension will be abated by the amount of the supplement, but not below the rate of service invaliding pension to which the airman may otherwise be eligible.

(8) Where an airman recovers damages for an injury which led to attributable invaliding, an adjustment may be made to the excess of the minimum rate of service attributable pension over the appropriate rate of service invaliding pension.

(9) Where an airman who has opted out of the Armed Forces Pension Scheme is invalided due to causes accepted as attributable to service, he may be awarded a service attributable pension under this paragraph, but this will be abated by any benefits payable from a personal pension plan, unless the airman is eligible for a more favourable award in accordance with sub-paragraph (2) or (4) of this paragraph, in which case the latter will be paid unabated.

#### **3024. Discharge for Causes Within the Airman's own Control**

(1) An airman who is discharged for having given a false answer on attestation and who has completed at least 22 years' reckonable service may be awarded such portion of the service pension as the Defence Council may determine, having regard to the circumstances of the case.

(2) An airman who is dismissed or discharged on the grounds of disgrace **QR607(6)(a) (b) or (c)**, or misconduct **QR607(7)(a) (b) or (c)**, and who has completed at least 22 years' reckonable service, may be awarded a pension at such rate as the Defence Council may determine, but not exceeding the lower rates given in AP 3392, Vol 2, Leaflet 1812, Annex B.

(3) An airman who is discharged on the grounds of inefficiency **QR607(21)**, unsuitability **QR607(22)(b)**, or incapacity **QR607(22)(d)** and who has completed at least 22 years' reckonable service, may be awarded pension at the rates given in AP 3392, Vol 2, Leaflet 1812, Annex B. Abatement or forfeiture of pension benefits may occur if the circumstances of misconduct are considered by the Defence Council to be liable to lead to a serious loss of confidence in the Armed Forces or to a serious loss of morale or discipline in a Service, subject to the provisions of Appendix 45.

**3025. Revision of Pension at age 60.** Pension awarded to an airman under para **3023** and **3024** may, if it is to his advantage, be revised to the level of preserved pension for his rank and length of service under para **3061**, when he reaches the age of 60.

**3026. Commutation of Pension**

(1) There are two commutation schemes:

(a) Life Commutation Scheme—under this scheme a pensioner who proves to the satisfaction of the Defence Council that it would be a distinct and permanent advantage to him to be granted a commuted sum in lieu of part of his pension, and who passes a medical examination showing him to be in a good state of health, may be permitted to commute a part of his pension awarded in respect of his reckonable service given before 6 April 1980. Commutation will not be permitted to reduce a rate of pension below £1.05 per week for a warrant officer or £0.70 per week for all ranks below warrant officer who were discharged on or before 30 March 1969. Any airman discharged on or after 31 March 1969 will not be permitted to reduce his rate of pension below £2.50 per week or the guaranteed minimum pension, whichever is the greater.

(b) As an exception to the normal procedure, where application is made within 6 months after discharge, commutation may be permitted without investigation, and subject only to medical fitness, to provide additional assistance for resettlement in civilian life. The amount commuted may not exceed 25% of the pension and must not reduce the pension below £2.50 per week (£130 per annum), and the amount realised may not in any circumstances exceed £1000.

(c) Resettlement Commutation Scheme—under this scheme an airman below the age of 55 may be permitted to commute a portion of his service pension, with restoration in full at age 55, to realise a capital sum of up to a maximum of the difference between the eligible full career terminal grant for his rank for pension purposes and the actual terminal grant awarded on leaving the Service. An option to commute under this scheme may be exercised once only and application must be made within the period of 12 months following the date of leaving the Service. Commutation under this scheme will not be permitted to reduce the basic rate of pension by more than half. When pensions increases are specially authorised prior to age 55 because of incapacity, these will be applied to the pension actually in issue at that time. At age 55 the pension will revert to the level, including pensions increases, which would have been achieved had resettlement commutation not been taken.

(2) Airmen discharged on or after 1 June 1983, whose maximum available sum under the resettlement scheme would be less than £1000 may, in

addition, commute concurrently under the life scheme, sufficient pension to produce a total sum from both schemes of £1000.

(3) The undermentioned awards are not commutable:

(a) Service invaliding pension except under the life commutation scheme;

(b) Service attributable pension except where the airman is otherwise eligible for an award of service invaliding pension, in which case he may be permitted to commute a portion of that award but only under the life commutation scheme;

(c) Any proportion of service pension based on purchased added years, service bought in by transfer value (applies only to life commutation) or additional voluntary contributions of any kind.

(d) Additions to pensions authorised under the provisions of pensions increases regulations.

(e) Preserved awards.

(4) Application forms and further details of the commutation schemes can be obtained on request from RAF Pensions 2, HQ PTC.

**3027–3030. (Omitted)**

**SECTION 2—TERMINAL GRANTS,  
DEATH IN SERVICE GRATUITIES,  
AIRMAN (AIRCREW) GRATUITIES,  
ADDITIONAL ATTRIBUTABLE GRATUITIES,  
SPECIAL CAPITAL PAYMENTS**

**3031. Terminal Grants.**

(1) An airman awarded service pension or service invaliding pension may be awarded a terminal grant assessed at 3 times the annual rate of his pension. Where an airman has been granted the minimum rate of service attributable pension under para 3023 he may be awarded a terminal grant only if he is otherwise eligible for an award of service invaliding pension and assessed at 3 times the annual rate of that award.

(2) Where the service pension awarded to an airman is increased to the level of a preserved pension at age 60 under para 3025 he may, in addition, be awarded a further terminal grant equal to the difference between the terminal grant awarded and the terminal grant preserved at the date of retirement, increased by appropriate pensions increase awards.

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**3032. Death in Service Gratuities.** A lump sum payment will be made to the estate of an airman who dies in service leaving neither an eligible widow nor eligible children. This sum will be equal to twice the annual rate of full career pension for his rank, or the terminal grant he would have received had he been invalided on the day he died, whichever is greater. Any public debts outstanding at the time of death will be recoverable from the gratuity under the terms of this clause.

**3033. Gratuities for Airmen (Aircrew).**

(1) The provisions of this paragraph apply to those who entered the Service (generally before 1 April 1989) on a gratuity earning engagement and have not opted to transfer to pensionable terms. On completion of a short service aircrew engagement an airman, on transfer to the Reserve or discharge, will be awarded a gratuity in respect of that engagement at the rates provided for in AP 3392, Vol 2, Leaflet 1809, Annex A, for each year of reckonable service.

(2) An airman serving on a short service aircrew engagement who is invalided on account of disablement due to causes not within his own control, before the completion of the regular service portion of his engagement, may be eligible, at the sole discretion of the Defence Council, to receive as a reserved right, a gratuity at the appropriate rate in AP 3392, Vol 2, Leaflet 1809, Annex A for each year of reckonable service, plus a proportion for part of a year, where this gratuity is more advantageous than the invaliding benefits for which he is otherwise eligible.

(3) Except as provided in clause (2), if an airman does not complete the regular service portion of his engagement and is discharged for any reason, other than redundancy or invaliding for causes outside his own control, the award of a gratuity and its amount, for service while mustered as aircrew, will be at the discretion of the Defence Council. No award will be payable if the airman has rendered less than one year's service as aircrew, or having rendered one or more year's service, has not initially been awarded the flying badge.

(4) If an airman is retained in regular service after the date on which the regular service portion of his engagement was due to expire, the gratuity for which he is eligible will become payable on the date on which he would otherwise have been transferred to the Reserve or discharged; such further service will not be reckonable for additional gratuity.

(5) A gratuity awarded under the provisions of this paragraph will be abated by any advance of terminal gratuity which the airman may have been paid.

**3034. Attributable Invaliding—Less than 2 years qualifying service.** Unless decided otherwise by the Defence Council, an airman who is invalided with less than 2 years' service over the age of 18 and subject to the rank rules as defined in AP 3392, Vol 2, Leaflet 1812, may qualify for either:

(1) An attributable gratuity at the rates shown in AP 3392, Vol 2, Leaflet 1813, Annex C, where the degree of disability is 20% or more; or

(2) A gratuity calculated on the length of qualifying service given pro rata to 2 years, at 27.5% of the 37 year rate of service pension for the rank, but not less than 13.75% of the 37 year rate of service pension, where the degree of disability is less than 20%.

**3035. Additional Attributable Gratuities.** Unless the Defence Council decide otherwise, an airman who is invalided with a disabilities which are accepted by the DSS as attributable to or aggravated by his service, and the degree of disability is assessed at 20% or more, may, in addition to any award of terminal grant for which he may be eligible, be granted an additional attributable gratuity at the rates in AP 3392, Vol 2, Leaflet 1813, Annex C. In cases where the Defence Council decide, the award and amount of additional attributable gratuity shall be at their discretion.

**3036. Optants out of the AFPS.** An airman who has opted out of the Armed Forces Pension Scheme may qualify for the award of a gratuity under paragraphs 3034 or 3035 above but, this will be abated by any lump sum payable from a personal pension plan.

**3037. Special Capital Payments.** Details of special capital payments which may be awarded to airmen discharged as redundant are given in Chapter 46.

**3038–3040. (Omitted)**

**SECTION 3—RE-EMPLOYMENT OF SERVICE PENSIONERS IN PEACETIME**

**3041. Applicability of Regulations.**

(1) For the purposes of these regulations, re-employed service means service given after having previously left the Service with immediate pension.

SECTION 3, RE-EMPLOYMENT OF SERVICE PENSIONERS IN PEACETIME, PARA 3041

(2) Where an airman serves in the same or a higher rank beyond the age of 55 (or his normal age of retirement if later) his service will be regarded as continuous. He will not be eligible for payment of terminal grant until his eventual retirement from the service.

(3) An airman re-employed for training or for any authorised Air Force duty for periods not exceeding 6 consecutive months, or aggregating 6 months or less in any 12 months, may draw his pension concurrently with any pay to which he is entitled; payment of such pension may, however, be suspended when there is doubt about the period of re-employment. Except where re-employed service is in a rank lower than the substantive rank held at first retirement, no form of pension will be payable when the period of re-employment

exceeds 6 months, and if the airman has commuted any part of the pension which would have been liable to suspension had he not commuted, a deduction equivalent to the amount commuted will be made from his pay.

(4) Where an airman is re-employed in a rank lower than his substantive rank held at first retirement, such portion of his pension may continue to be paid from age 55, or normal retirement date if later, for such time as he continues to serve in a lower rank, which when added to the pay, including all forms of additional pay, of his lower rank immediately on re-employment, or on attaining age 55, or on reaching his normal retirement date, whichever is the latest, equals the pay he was receiving in the higher rank uprated by the same pensions

increases for which he is eligible. Subsequent increases in pay rates, or in the pensions increases payable, will not lead to a re-assessment of the portion of pension continuing in payment, but a change in the rank in which the airman is serving will lead to such a re-assessment.

(5) On final retirement, an airman whose pension has been suspended in whole or in part under clauses (3) and (4) will be awarded re-assessed pension and terminal grant on the basis of his total service (including re-employed service) up to a maximum of 37 years, calculated on the better of (taking into account the effects of pensions increases):

(a) The regulations in force and the rank held for pension purposes when he formerly retired, or

(b) The regulations in force and the rank held for pension purposes at the time of final retirement.

(6) Any additional terminal grant due on final retirement may, if more advantageous, be calculated on the basis of a different sub-clause of clause (5) to that on which the re-assessed pension is based.

(7) If final retirement is at the airman's own request before the completion of 3 years' re-employed service, re-assessment of his pension and terminal grant will be in accordance only with the provisions of clause (5)(a).

(8) If the airman had commuted part of his original award of pension, an equivalent deduction will be made from his revised award.

(9) Where the airman received a resettlement grant of special capital payment on first retirement, he may be called upon to refund such part of those payments according to the rules laid down by the Defence Council from time to time.

(10) A re-employed airman who was formerly retired with service invaliding or attributable pension and who has had such pension suspended in whole or in part under clause (3) or (4) may, on final retirement, be awarded either a pension under the provisions of clause (5) or have his former award of service invaliding or attributable pension restored in full with no account taken of the re-employed service, whichever is to his advantage. Where, on final retirement, the former award of service invaliding or attributable pension is the more advantageous, but ceases to be so at the airman's 55th birthday when pensions

increases would become payable on the alternative award, then the latter may be substituted for the original award with effect from the date from which payment of the pensions increases is effective.

#### SECTION 4—FUTURE EMERGENCY— RE-EMPLOYMENT OF SERVICE PENSIONERS

##### 3042. Applicability of Regulations.

(1) The provisions of this Section relate to:

(a) Service pensioners recalled for service under the provisions of the Reserve Forces Act 1980; and

(b) Other service pensioners who give further service, otherwise than on a normal regular engagement, during a period of general recall to service on account of an emergency, or who are specially re-employed on full pay in anticipation of an imminent general recall.

They do not apply to pensioners of categories for which special provision is, or may hereafter be, made.

(2) For pensioners serving under the provisions of clause (1)(b) the provisions will be brought into operation on such occasion as the Defence Council, in consultation with the Lord Commissioners of Her Majesty's Treasury, may determine, and they may fix a date as that from which the provisions shall come into operation, and a date from which they shall cease to have effect in respect of that particular occasion. Different dates may be fixed for different categories in re-employment.

(3) During periods of further service to which these provisions apply, a service pensioner will continue to receive his service pension subject to the conditions normally attaching thereto.

(4) On discharge or release on the termination of such service, a service pensioner may, provided his service has been satisfactory and of at least 6 months' duration, be awarded an addition to his pension consisting of half the difference between:

(a) The pension for which the length of his previous service qualified him or would have qualified him; and

(b) The pension for which he would be eligible were his further service reckoned as service immediately following completion of service on his previous engagement.

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(5) No terminal grant or additional terminal grant will be payable in respect of re-employed service.

(6) If in connection with an emergency, for which the provisions of this section are brought into operation, service pensioners are employed with the armed forces of the Commonwealth or Colonies, the provisions of this section may be applied to them, or any category of them, as if their service had been with the UK forces.

#### SECTION 5—REGULAR AIRMEN CONTINUING IN SERVICE DURING A FUTURE EMERGENCY

##### 3043. Applicability of Regulations.

(1) The provisions of this section will be brought into operation on such occasions, being periods of general recall to service on account of emergency, as the Defence Council may, in consultation with the Lords Commissioners of Her Majesty's Treasury, determine, and in respect of each such occasion they may fix a date as that from which they will come into operation and a date from which they will cease to have effect.

(2) An airman serving on a normal engagement during any such period, who, during its currency, completes 22 years' service reckonable for pension under the terms of Section 1 may be allowed, with effect from the date of completion of 22 years' service or from any date thereafter for so long as these provisions continue in operation, to elect to receive an immediate award of pension and terminal grant calculated on his qualifying service up to the date from which his election has effect. If he so elects, he will thereafter be regarded for pension and terminal grant purposes as a re-employed pensioner.

#### SECTION 6—PENSIONS, ANNUITIES AND AWARDS FOR GALLANT CONDUCT AND LONG SERVICE

##### 3044. VC and GC Special Pensions.

(1) An airman who has been awarded the Victoria Cross or George Cross will be granted a special pension of £100 a year.

(2) This pension is effective from 1st August 1959, in the case of the Victoria Cross and 1st April 1965, in the case of the George Cross or the date of the act of bravery by which the decoration is gained, whichever is the later.

(3) A special pension granted under this paragraph will be forfeited or restored in accordance with the provisions of the governing warrants.

##### 3045. VC and GC Gratuities.

(1) If an airman has been awarded the Victoria Cross or George Cross posthumously, or the recipient of a special pension under para 3046 dies before the payments of the special pension amount to £50, a gratuity of £50 or a gratuity equivalent to the difference between the total of the special pension payments and £50, as the case may be, will be payable to his legal representative, in respect of holders of the Victoria Cross or credited to the estate of the deceased recipient of the George Cross.

(2) The provisions of this paragraph apply only to decorations awarded on or after the 3 September 1939, in respect of the Victoria Cross and 1st April 1965, in respect of the George Cross.

(3) A gratuity payable under clause (1) will not be attached for debt and will be payable in full notwithstanding that the airman may be in debt to the Crown.

**3046. Pensions for Gallant Conduct.** An additional service pension of 2½p a day may be awarded to a pensioner who holds the Victoria Cross, the George Cross, the Military Cross, the Distinguished Flying Cross, the Distinguished Conduct Medal, the Conspicuous Gallantry Medal (Naval), the Conspicuous Gallantry Medal (Flying), the Military Medal, or the Distinguished Flying Medal. Not more than one such pension shall be awarded to any individual pensioner. The additional pension shall not be awarded to a pensioner in respect of the Victoria Cross, the George Cross, the Military Cross, or the Distinguished Flying Cross received for service rendered by him as a commissioned officer.

##### 3047. Other Gallantry Awards—Gratuities.

(1) An airman who has been awarded the;  
Military Cross  
Distinguished Flying Cross  
Distinguished Conduct Medal  
Conspicuous Gallantry Medal (Flying)  
Distinguished Flying Medal

or if awarded on or after the 3 September 1939, the;

Conspicuous Gallantry Medal (Naval)  
Distinguished Service Medal  
Military Medal

## SECTION 9—CRIMINAL INJURIES COMPENSATION, PARA 3060

will be eligible in respect of each award held and each bar thereto, for a gratuity of £20 on discharge (provided he is not eligible for a pension), or transfer to the Reserve or on appointment to a commission.

(2) A gratuity under this paragraph will be forfeited or restored in accordance with the provisions of the warrants governing the decoration.

(3) See para 3049 for payments of gratuity on death.

**3048. Annuities for Long and Meritorious Service.** A sum of £2000 a year shall be distributed in annuities not exceeding £10 each to pensioners selected under conditions promulgated from time to time.

**3049. Payments at Death.** If an airman, who is in possession of a decoration or medal awarded for gallant conduct or for long service and good conduct dies, whilst still in regular Air Force service, or the decoration or medal has been awarded posthumously, any gratuity payable under para 3047, will be paid to his legal representative unless the gratuity has already been paid whilst the airman was still living.

**3050. Additions to Pension or Gratuity.** No addition to pension or gratuity shall be payable in respect of any decoration or medal awarded after 6 September 1993, with the exception of the Victoria Cross.

**3051–3057. (Omitted)**

## SECTION 7—YEOMAN WARDER'S REWARDS

**3058.** A yeoman warder of the Tower of London who is transferred to the supernumerary list shall receive pay at the rate of £0.06 a day. This will be paid with his service pension and may be increased in accordance with the provisions of Chapter 45.

## SECTION 8—ATTRIBUTABLE BENEFITS FOR RESERVISTS

**3059.**

(1) Members of the RAF Reserve and the R Aux AF are eligible to be considered for attributable benefits if they are invalided or medically discharged from the Reserve because of an injury

found by DSS to be attributable to peacetime service. Benefits may also be paid to the widow and dependant children: or a payment made to the estate of an unmarried reservist where death is found to be attributable to Reserve service.

(2) Detailed provisions are made in AP 938, AP 968 and AP 1919.

(3) These benefits may be increased under pensions increase measures (see Chapter 45).

(4) The provisions of sub-paragraph (1) do not apply to any personnel whilst called up for regular active service for any period.

## SECTION 9—CRIMINAL INJURIES COMPENSATION (OVERSEAS)

**3060.**

(1) Members of the RAF and their accompanying dependants who, outside the UK because of duty, sustain injury (including death) directly attributable to a crime of violence may be paid, ex gratia, a lump sum payment. The decision as to whether a payment may be made and, if so, the amount of it, shall be wholly within the discretion of the Defence Council.

(2) Claims in respect of incidents occurring in Germany, Cyprus and Hong Kong should be submitted to the appropriate RAF Legal Service authority, and to DLS(RAF) for incidents in all other overseas areas.

(3) AP 3392, Vol 4, Leaflet 1910 provides additional information and a claim form.

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## CHAPTER 42

### PRESERVED BENEFITS: OFFICERS AND AIRMEN RESETTLEMENT GRANTS

#### 3061. Award of Preserved Benefits

- (1) (a) Except where he or she has committed a grave offence against the State or a serious offence against military discipline an officer, airman or airwoman who leaves the Service without qualifying for immediate retired pay or pension, invaliding or attributable retired pay or pension, may, provided a minimum period of 2 years' contracted out service has been given, be awarded preserved benefits at the rates shown in AP 3392, Leaflet 1815. Where less than 2 years' contracted out service has been given a payment will be made to the DSS in order to preserve retirement benefits under the State scheme for that period of service.
- (b) Preserved benefits will normally be payable at age 60 but may be paid earlier if the pensioner becomes permanently incapacitated through physical or mental infirmity from engaging in any regular full time employment.
- (c) Should the serviceman/woman die in retirement before his or her preserved pension or terminal grant becomes payable, the provisions of para 3093(2) will apply. If neither an eligible widow/widower nor eligible children are left, a payment equal to the preserved terminal grant will be made to the estate of the deceased.
- (d) The general conditions in Chapters 40 and 41 relating to rank for retired pay and pension purposes also apply to the award of preserved pensions.
- (e) A preserved pension will not be commutable in any circumstances.
- (f) Any award made or adjusted under these provisions shall not exceed the rates provided in AP 3392, Leaflets 1810, 1811, 1812 and 1813 appropriate to pensioner's former rank and length of service.
- (g) The above provisions do not apply to those serving on gratuity earning terms, nor to periods of service during which membership of the Armed Forces Pension Scheme have been given up in favour of a personal pension plan.
- (h) Where a serviceman or servicewoman with a preserved pension and terminal grant decides to rejoin within 6 months of leaving the service, his or her preserved benefits will be cancelled, so that on final retirement the aggregate of

former service and re-employed service will be assessed under the provisions current at the time of final release.

(i) If re-entry takes place more than 6 months after the date of release from former service, those awarded preserved benefits for such service, have the option of either aggregating the two periods of service for one pension or of receiving two separate pensions. This option may be exercised immediately on re-employment or when re-employment ceases.

#### 3062. Transfer of Preserved Pension Rights.

- (1) **Outgoing Transfers.**
- (a) Personnel who leave the RAF after having served on pension-earning terms but who are not eligible for immediate retired pay or pension may apply for a transfer value to be paid to their new employer's pension scheme or to certain other approved schemes, provided they have sufficient qualifying service. The transfer is conditional upon the new pension scheme being approved for this purpose by the Inland Revenue, and on the new scheme being prepared to accept the transfer value.
- (b) These provisions also apply to those who continue in service but who opt to leave the Armed Forces Pension Scheme and transfer their residual benefits relating to their service on or after 6 April 1988 into a personal pension plan.
- (c) Personnel leaving service before 6 April 1988 who completed at least one year's contracted-out service but are not eligible for preserved benefits may be considered for a transfer of notional pension rights. These can be transferred only to an occupational pension scheme. No minimum qualifying period for such a transfer applies to those leaving on or after 6 April 1988. Application for a transfer of notional rights must be made within 12 months of joining the new employer's scheme.
- (d) Any outstanding contributions for widow's or widower's half-rate pensions in respect of service before 1 April 1973 will be deducted from the preserved terminal grant before calculation of the transfer value, at the time of transfer.
- (2) **Incoming Transfers.**
- (a) Personnel who join the RAF on pensionable terms and bring with them a transfer value from

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a previous pension scheme will be credited with reckonable service calculated by using special tables and instructions prepared by the Government Actuary.

(b) A transfer will not normally be allowed if the application for it is made more than 12 months after joining the Armed Forces Pension Scheme.

(3) Further details on the transfer of pension rights are available in AP 3392, Vol 2, Leaflet 1819.

**3063. Resettlement Grants.**

(1) Officers and airmen leaving the Service with preserved benefits under para 3061 may be awarded a tax-free immediate resettlement grant, subject to satisfactory service and at the discretion of the Defence Council, provided that:

(a) Officers have completed at least 9 years' reckonable service after the age of 21, including at least 2 years' commissioned service.

(b) Airmen have completed at least 12 years' reckonable service after the age of 18.

(2) Officers and airmen who have completed the appropriate period of satisfactory service specified

at subpara (1) but where, as the result of an election not to be member of the Armed Forces Pension Scheme, that service is not, in whole or in part, reckonable service, may also be awarded a resettlement grant, provided that no other award is payable immediately on termination of service.

(3) The resettlement grant is at a flat rate as set out in AP 3392, Leaflet 1816, Annex B.

(4) If an officer or airman is discharged on or after 1st October 1984 for misconduct or for those offences for which pensions benefit may be forfeited in accordance with para 3140(1) of Chapter 44, any resettlement grant payable under the provisions of this paragraph may be abated.

(5) If an officer or airman re-enters the Armed Forces within 121 days of retirement or discharge, any resettlement grant awarded on release will be subject to refund in accordance with the following formula:

$$\left(1 - \frac{a}{121}\right) \times \text{Resettlement Grant}$$

where "a" is the break in service.

**CHAPTER 43**  
**FAMILY PENSIONS AND GRATUITIES TO WIDOWS/WIDOWERS AND**  
**CHILDREN OF OFFICERS, AIRMEN AND AIRWOMEN**

**SECTION 1—FAMILY PENSIONS AND GRATUITIES—GENERAL CONDITIONS**

**3064. Applicability of regulations**

(1) The non-attributable long-term family pensions and associated gratuities provided for in this chapter for the families of deceased officers, airmen and airwomen are those payable in respect of pensionable service within the Armed Forces Pension Scheme. The short term family pensions, attributable long-term family pensions and associated gratuities are similarly paid in respect of death, but not exclusively to the families of those having given pensionable service. Except where otherwise stated therefore, these regulations apply to the families of officers, airmen and airwomen who die:

(a) While serving on full-pay and who would have been eligible to receive retired pay or service pension had they been invalided at date of death.

(b) While receiving half-pay, retired pay or service pension.

(c) Before payment of a preserved pension to which they were entitled at age 60 (vide Section 6)

and also to the families of those who, while serving, are reported missing presumed killed (or the presumption of death is extremely strong) and before the issue of a death certificate.

(2) Female officers and airwomen in respect of whose death a pension and/or gratuity is awarded under the terms of this chapter must, unless otherwise stated, have given service on or after 1 October 1987.

**3065. Awards of Pension**

(1) Except as provided for in para 3066, a pension cannot be claimed as a right nor will it be granted unless, in the opinion of the Defence Council, the service given by the deceased has been such as to justify the award.

(2) If the death of an officer, airman or airwoman was due wholly or in part to his or her own negligence or misconduct or to any cause within his or her own control, the award and amount of any family pension payable will be at the discretion of the Defence Council.

(3) Where an officer, airman or airwoman gave full pay service on or after 31 March 1984 and suffered an abatement of retired pay or pension (including preserved pension) for grave misconduct, any family pension and associated gratuity will, unless the spouse was also party to the offence, be determined by reference to the unabated rate of retired pay or pension for his or her rank.

(4) Where a male officer or airman gave full pay service prior to 31 March 1984 and his retired pay or pension was abated or forfeited for reasons of misconduct or inefficiency the award of any family pension will be at the discretion of the Defence Council. However, for those who served after 30 March 1975 with an entitlement to preserved benefits see para 3095.

(5) Any pension which might otherwise have been granted under this chapter may be withheld or reduced in amount if the applicant is eligible also for another pension or allowance from public funds on account of the services of the deceased.

(6) Where an officer has suffered an abatement of retired pay as a consequence of re-employment in the public services or elsewhere, any family pension and associated gratuity will be determined by reference to the rate of retired pay that would have been in payment but for the abatement.

**3066. Guaranteed Minimum Pension**

Under the Social Security Pensions Act 1975 (amended 1986), state pensions from 6 April 1978 are in two parts; first, a universal basic pension; secondly, an additional earnings related pension which will build up until retirement. The Armed Forces Pension Scheme is an occupational pension scheme which provides retirement and other benefits and has therefore "contracted out" of the state scheme. However, as an overriding provision, any widow's pension granted under Sections 4 and 5 of this chapter will not be less than half the husband's guaranteed minimum pension as determined by the Department of Social Security. The GMP will be subject to forfeiture only in the event of an act committed which is gravely prejudicial to the

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defence, security or other interests of the state. Further details including those relating to widowers are set out in Appendix 45.

**3067. Date of Commencement of Pension**

(1) The date of commencement of pension will be determined according to the circumstances of the case and will normally, if application is not unduly delayed, be the date following the spouse's death or the date following the cessation of his/her retired pay or pension (if this is later).

(2) Where Temporary Allowance for Widows has been awarded by DSS for the first 26 weeks following death because of the husband's severe disability the pension will normally commence on the day following cessation of this allowance. A supplement may be paid where necessary to ensure that the temporary allowance during the first 26 weeks is no less than her pension income would otherwise have been.

**3068. Establishment of Claim**

If a claim is not established before the death of the person to whom it might have been made, arrears of pension will not, save in exceptional circumstances, be allowed to his or her estate.

**3069. Conditions Relating to Marriage**

(1) A widow/widower who was married to the deceased before his or her retirement or discharge, or before the completion of any further service leading to re-assessed retired pay or pension, may be awarded a pension under Section 2, 3, 4, 5 or 6 as appropriate.

(2) A widow/widower who married the deceased after his or her retirement or discharge may be awarded a short term pension under Section 3, if appropriate, and a long term pension under Section 4, 5 or 6 assessed only on the deceased spouse's service given from the 6 April 1978.

(3) No addition will however be payable in respect of any child of a post retirement marriage.

(4) If the death of the officer, airman or airwoman occurs within a year of marriage, the Defence Council may, in the light of the circumstances of the case, withhold or reduce the award otherwise admissible.

**3070. Effect of Separation**

Subject to any exception which the Defence Council may approve in a particular case, an award will not be made to either a widow or a widower who was

separated from his or her spouse at the time of death. Should such exception be approved, the award will be at such rate, and subject to such conditions, as the Defence Council may determine.

**3071. Re-marriage**

A family pension awarded under this Section will continue in payment until the widow or widower's death except that:

(a) Where a male officer or airman retired, was discharged or died in service before 6 April 1978 and his widow remarries or lives with a man as his wife, the pension will not be payable thereafter.

(b) Where a female officer or airwoman retired, was discharged or died in service before 6 April 1989 and her widower remarries or lives with a woman as her husband, the pension will not be payable thereafter.

(c) Where the officer, airman or airwoman retired, was discharged or died in service on or after 6 April 1978 (male personnel) or on or after 6 April 1989 (female personnel) then:

(1) If the widow, before reaching the age of 60, remarries or lives with a man as his wife, the pension will cease to be paid.

(2) If the widow, on or after reaching the age of 60, remarries or lives with a man as his wife, the pension will thereafter be restricted to the widow's guaranteed minimum pension.

(3) If the widower, before reaching the age of 65, remarries, the pension will cease to be paid.

(4) If the widower, before reaching the age of 65, lives with a woman as her husband, the pension will cease during that period.

(5) If the widower, on or after reaching the age of 65, remarries or lives with a woman as her husband, the pension will thereafter be restricted to the widower's guaranteed minimum pension, except where immediately before reaching age 65 he and the woman to whom he was not married were similarly living together as husband and wife, in which case no pension will be paid.

**3072. Restoration of pension**

Where the family pension ceased for reasons outlined in para 3071, and either for compassionate reasons or because that marriage comes to an end and/or it is established that living together as husband and wife has ceased, the former pension

SECTION 1, FAMILY PENSIONS AND GRATUITIES, GENERAL CONDITIONS, PARA 3075

may, at the discretion of the Defence Council, be restored if the widow/widower's financial circumstances justify such restoration. A widow/widower whose pension may be restored under this para, and who would also normally qualify for a pension in respect of the service of a subsequent spouse, may be awarded one pension only, whichever is to her/his advantage.

**3073. Childrens Pensions—Eligibility**

(1) A "child" for the purpose of the award of a pension under this Section means:

(a) A legitimate child of the officer, airman or airwoman provided that the child's other parent fulfilled the conditions relating to marriage contained in para 3069.

(b) A step-child of the officer, airman or airwoman who was mainly dependent on him or her at the time of death, provided that the child's other parent fulfilled the conditions relating to marriage contained in para 3069.

(c) A child adopted by the officer, airman or airwoman, or by his or her spouse, before retirement or discharge (or, if he or she subsequently gave further service in circumstances rendering him or her eligible for re-assessment of retired pay or service pension, before the termination of such further service) who was mainly dependent upon him or her at the time of death, and provided that the child's other parent by adoption fulfilled the conditions relating to marriage contained in para 3069.

(d) A child mainly dependent upon the officer, airman or airwoman before his or her retirement or discharge (or, if he or she subsequently gave further service in circumstances rendering him or her eligible for re-assessment of retired pay or service pension, before the termination of such further service) who was adopted by the officer, airman or airwoman, or by his or her spouse, after retirement or discharge (or after the termination of such further service), provided that the Defence Council are satisfied that the officer, airman or airwoman had formed the intention before retirement or discharge (or before the termination of such further service) of adopting the child, and that the child was mainly dependent upon him or her at the time of death, and provided that the child's other parent by adoption fulfilled the conditions relating to marriage contained in para 3069.

(e) An illegitimate child of the officer, airman or airwoman, or of his or her spouse, born before or within 9 months of retirement or discharge (or, if he or she subsequently gave further service in circumstances rendering him

or her eligible for re-assessment of retired pay or service pension, before the termination of such further service) and who was or would have been mainly dependent upon him or her at the time of death, and provided that, where the child is the illegitimate child of the spouse, the latter fulfilled the conditions relating to marriage contained in para 3069.

(f) A child conceived but born after the father's death, provided that the child's mother fulfilled the conditions relating to marriage contained in para 3069.

(2) In cases where a child could become eligible for multiple pensions (derived from one or more parents, step-parents, adoptive parents and/or guardians, the child's entitlement will be limited to the best two pensions.

**3074. Childrens Pensions—Payment**

Children's pensions will be payable to the widow/widower, mother/father of the child, or other person responsible for the child's maintenance, or to the child direct, as may be decided by the Defence Council.

**3075. Childrens Pensions—Cessation of Award**

(1) A child's pension will normally cease when the child attains the age of 17 years, except where the father was an officer or warrant officer who retired or was discharged before 31 March 1973 when payment will normally cease at the age of 18 years. However, it may be awarded or continued after these ages in the following circumstances:

(a) if the child continues to receive full-time education: or

(b) if the child is undertaking full-time training and not receiving more than nominal wages, or

(c) if, before attaining the age referred to above, the child was, and continues to be, afflicted by mental or bodily infirmity and is thereby incapable of earning his or her own living, provided that the Defence Council considers that the circumstances are such as to justify the award.

(d) In any case where the child's pension ceases or is restricted under this para it may be restored in such circumstances and for such period as may be determined at the discretion of the Defence Council.

(2) An otherwise eligible child may continue to receive a pension even though he or she marries or lives with a man or woman as his/her husband/wife.

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**3076. Withholding or Diversion of Pension**

In exceptional circumstances the Defence Council may withhold any pension or divert the whole or part thereof for purposes deemed to be in the interest of the pensioner or his or her family.

**3077. Effect of Commutation**

Commutation of retired pay or pension shall not debar a widow, widower or children, otherwise eligible under the provision of this Section, from receiving an award of a long term family pension, nor shall any such pension be reduced or abated on that account unless there was service after 6 April 1978 and the marriage took place after the commutation. (see AP 3392, Vol 2, Leaflet 1814)

**3078. Definition of half pay, Retired Pay or Pension**

(1) For the purpose of the following sections, the rate of half pay, retired pay or pension will be the rate in payment to the deceased at the date of his or her death excluding any attributable supplement, or if death occurs during service on full pay, the award which would have been made under the provisions of para 2938(2) or 3023(2) if the deceased had been invalidated on the date on which he or she died, increased by:

(a) Pensions increases since the date of retirement or discharge as appropriate under Chapter 45.

(b) Subject to the provisions of para 3077, any portion of his or her half-pay, retired pay or pension which may have been commuted and any pensions increase thereon which would have been payable under (a) if commutation had not taken place.

(c) Any abatement of half-pay, retired pay or pension made under para 3138.

(2) Pensions increases which are introduced after the date of the spouse's death will be taken into account in re-assessing the family pension as from the effective date of the appropriate pensions increase. Pensions increases in the case of family pensions payable to the families of Marshals of the RAF will be calculated as if the half-pay previously in payment to the husband under the retired pay code on the date of his death had been retired pay.

**3079. Effect of DSS War Pension**

(1) Where the death of a male officer or airman is held to be directly attributable to his service, appropriate awards are made by the DSS under their War Pensions Scheme, except where death was due to a disability sustained in peace-time before 3rd September 1939, when the award is

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made instead by the MOD but based on the same guidelines.

(2) In a case where the death prior to 1st September 1950, of a male officer or warrant officer was directly attributable to service and the widow is receiving from the DSS less than her notional Forces Family Pension and National Insurance entitlement a supplement may be issued by the MOD to ensure that she receives the amount to which she would have been entitled if her husband's death had not be attributable to service.

**3080. Armed Services Youth Training Scheme**

Appendix 47 gives details of the awards payable to the families of personnel serving on ASYTS engagements.

**SECTION 2—FAMILY PENSIONS PAYABLE TO THE ELIGIBLE SURVIVORS OF THOSE WHOSE SERVICE ENDED BEFORE 31 MARCH 1973**

**3081. Entitlement**

The provisions of this section apply to the widows and children of male officers and airmen whose last day of full paid service was before 31 March 1973 and who were granted service retired pay or pension, or who died in service on full pay. However;

(a) the widows of airmen below the rank of Warrant Officer 1 (including those given temporary promotion to commissioned or warrant rank during the second World War) will not be entitled to a pension under this section unless reckonable service was given after 31 August 1950 (but see Section 8).

**3082. Detailed Provisions**

(1) If the death of the husband was not held to be attributable to his service a family pension will be payable, calculated as follows:

(a) For the widow—one third of the husband's basic half pay, retired pay or Service pension as defined in para 3078, or the minimum rate provided for in AP3392, Vol 2, Leaflet 1818 if more favourable (where death is attributable to service these rates are subject to adjustment in accordance with Clause 2 below.

(b) If there is a widow's pension in payment, an amount equal to one third of the widow's pension may be paid to each eligible child.

(c) If there is no widow's pension in payment and none of any eligible children is in the care of his widow an amount equal to two thirds of the widows pension appropriate to the rank



SECTION 3, SHORT TERM FAMILY PENSIONS ETC, PARA 3085.

and service of the father may be paid to each eligible child. Otherwise the award will be as (b) above.

(2) If the death of an officer was held to be attributable to Service and his widow is in receipt of a War Widow's pension from DSS (see para 3079), the pension payable under (1)(a) will be reduced by the amount shown below related to the rank of the attributable award:

	£
Marshal of the RAF	598
Air Chief Marshal	438
Air Marshal	338
Air Vice-Marshal	248
Air Commodore	188
Group Captain	128
Wing Commander	108
Squadron Leader	78
Flight Lieutenant	63
Below Flight Lieutenant	48

Prior to age 40, the reduction for a widow with no entitlement to a Forces Family Pension for a child, and whose attributable award is related to that of a Squadron Leader or below, will be as follows:

Squadron Leader	65
Flight Lieutenant	45
Below Flight Lieutenant	25

These rates are calculated as the amount by which the attributable award exceeds that payable to the widow of a warrant officer.

(3) As children's pensions are not subject to rank element deduction, the pensions payable under 1(b) and 1(c) shall be calculated by reference to the pension payable under 1(a) before any reductions are made under the terms of (2) above.

**3083. Definition of rank**

"Rank" for the purposes of para 3082 will be as follows:

*Officers*

As defined in paras 2932 to 2933; higher paid acting or temporary rank, and rank held during further service after retirement, will be taken into account to the same extent as for retired pay purposes. Where however retired pay was assessed under the airmen regulations because there was no entitlement under the officer regulations, the warrant officer minimum rate will apply. Complete years only of higher rank service will count for additions to the minimum rate for those whose last day of service was prior to 31

March 1972. Odd days in excess of the minimum period of one year will count where the last day of service was on or after 31 March 1972 and before 31 March 1973.

*Airmen*

The highest paid rank held for a period of two years or more during the five years preceding termination of full-pay service (including service in a higher paid rank of less than two years' duration), or, if more favourable, where the airman was invalided or died whilst serving, the substantive rank held on discharge or death. If an airman had reverted to a lower rank as a condition of continuance in service under the provisions of para 571, the rank will be the highest paid rank held for two years or more during the last five years before such continuance, if this is more favourable. Where the last day of service was on or after 31 March 1972, and before 31 March 1973, additions to the rate for the rank so defined may be allowed on the same basis proportionately as they have been included in the assessment of the husband's pension under para 3020.

**SECTION 3—SHORT TERM FAMILY PENSIONS PAYABLE TO ELIGIBLE SURVIVORS OF THOSE WHO SERVED ON OR AFTER 31 MARCH 1973**

**3084. Entitlement**

Subject to the restrictions in para 3085, the provisions of this section apply to the eligible survivors of male officers and airmen who gave service on or after 31 March 1973, and of female officers and airwomen who gave service on or after 1 October 1987.

**3085. Detailed Provisions**

Where death occurs in service, the short term family pension will be the same as the basic rate of military salary (including length of service pay) in payment to the officer, airman or airwoman at the time of his or her death. Where death occurs in retirement the short term family pension will equal the retired pay or pension in issue on the day of death.

(a) Where there is no entitlement to long term pension benefits (*ie* where the spouse died giving full pay service on non-pensionable terms, or having given less than two years service if on pensionable terms [five years if prior to 6 April 1988]), and his or her death is not attributable to service) a short term pension will be payable as follows:

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Eligible widow/widower with no dependent children in his or her care 91 days  
 Eligible widow/widower with one dependent child in his or her care 182 days  
 Eligible widow/widower with two or more dependent children in his or her care 273 days

(b) Where the spouse dies on or after 31 March 1986 while giving full pay service, or in retirement, and his or her death is accepted as attributable to service, a short term pension will be payable as follows:

Eligible widow/widower (with or without dependent children) 182 days

(c) Where there is an entitlement to long term pension benefits (ie where the spouse died giving full pay service on pensionable terms and having given more than 2 years service [5 years if prior to 6 April 1988]; or, whilst in receipt of retired pay or pension) and the spouse's death is not attributable to service, a short term pension will be payable as follows:

Eligible widow/widower with no dependent children in his or her care 91 days

Eligible widow/widower with one or more dependent children in his or her care 182 days

(however, where it is to his or her advantage, the surviving spouse may receive instead, the total long term family benefits from the first day after death in retirement)

(d) Where there are eligible children in the care of another person other than an eligible widow, a short term pension will be payable as follows:

One child in the care of another person 91 days

Two or more children in the care of another person 182 days

(e) All who qualify under the terms set out in (a) (b) (c) or (d) above will be awarded a short term pension for the specified period, at the end of which any long term pension for which they are eligible will come into payment. The total value of awards is not limited to the rate of pay or pension in issue.

**3086. Effect of Opting out—Personal Pension Plan**

Where an officer, airman or airwoman dies in service after opting out of the Armed Forces Pension Scheme in favour of a personal pension plan, any short term pension paid to his or her survivors

will be based on the retired pay or pension which would have been awarded had he or she retired or been discharged instead on the date of death.

**SECTION 4—NON ATTRIBUTABLE LONG TERM FAMILY PENSIONS PAYABLE TO ELIGIBLE SURVIVORS OF THOSE WHO SERVED ON OR AFTER 31 MARCH 1973**

**3087. Entitlement**

Except where otherwise stated, the provisions of this section apply to the eligible survivors of male officers and airmen who gave pensionable service on or after 31 March 1973, and of female officers and airwomen who gave pensionable service on or after 1 October 1987.

**3088. Detailed Provisions**

If the death of the spouse was not held to be attributable to his or her service, a family pension will be payable as follows:

(a) **Widow/widower**

(1) One third of the proportion of the spouse's basic half pay, service retired pay or service pension as defined in para 3078, earned by service prior to 1 April 1973 and one half for service thereafter.

(2) Where the widows/widower's pension is calculated by reference to the spouse's service invaliding retired pay or pension, the element in the latter which results from the special invaliding enhancement will attract a half rate widow/widower's pension. The enhancement is the difference between the rate of invaliding retired pay or pension and the preserved pension rate.

(3) Where the spouse was serving prior to 1 April 1973 and has opted to "buy in" service before 1 April 1973, the widow/widower will receive one half of the spouse's basic half pay, service retired pay, or service pension, subject to recovery, where necessary, of any outstanding contributions. A widow/widower who married after his or her spouse's retirement or discharge is eligible for an award only in respect of the spouse's service given from 6 April 1978. The rate will therefore be half of the spouse's pension proportionate to the amount of his or her reckonable service given on or after 6 April 1978.

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(4) Where the amount of the Long Term Pension is less than the sum calculated by DSS as the guaranteed minimum pension liability in respect of a widow/widower, then the guaranteed minimum pension will be paid (vide para 3066).

(5) Where the cause of death of an officer, airman or airwoman, previously invalidated attributably, is regarded as not attributable to his or her service, the rate of any widow/widower's pension payable will be based on the service invaliding retired pay or pension for which the serviceman/woman may have been eligible. See paragraph 3090(4).

(6) Where the officer, airman or airwoman dies in service having given less than the minimum 2 years of qualifying service over age 18 for an invaliding award (5 years if prior 6 April 1988), the widow/widower may be awarded a pension of one half of any preserved pension based on his or her contracted out service, which would have been awarded if the serviceman/woman had retired or been discharged at the date of death.

**(b) Children**

(1) Where there is a widow's or widower's pension in payment, an amount equal to one half of the officer's, airman's or airwoman's retired pay or pension entitlement may be divided equally among the eligible children, with no one child receiving more than one quarter of the entitlement;

(2) Where there is no widow's or widower's pension in payment and none of any eligible children is in the care of the widow or widower, an amount equal to the officers, airmans or airwomans retired pay or pension entitlement may be divided equally among the eligible children, with no one child receiving more than one third. Otherwise the award to each eligible child shall be limited as under sub paragraph (1) above;

(3) Where the officer, airman or airwoman dies in service, the children's pensions will be calculated under sub paras (1) and (2) above as though he or she had given a minimum of five years reckonable service; and where more than five years reckonable service has in fact been given, the pension will be calculated by reference to the service actually given. No minimum qualifying period for invaliding benefits is required.

**SECTION 5—ATTRIBUTABLE LONG TERM FAMILY PENSIONS PAYABLE TO ELIGIBLE SURVIVORS OF THOSE WHO SERVED ON OR AFTER 31 MARCH 1973**

**3089. Entitlement**

The provisions of this section apply to the widows and children of male officers and airmen who gave service on or after 31 March 1973, and of female officers and airwomen who gave service on or after 1 October 1987 (see also para 3091 for Reservists).

**3090. Detailed Provisions**

(1) Irrespective of the spouse's length of service or type of engagement (*ie* pensionable or otherwise), where an officer, airman or airwoman dies from causes accepted by the Department of Social Security as attributable to or aggravated by service, his or her eligible survivors may be awarded attributable pensions as follows:

(a) if death occurs in service, at the rates set out in AP3392, Vol 2, Leaflet 1818, Annex A; or

(b) if death occurs in retirement or after discharge, and he or she was attributably invalidated from the service, at the rates of attributable family pension current at the date of invaliding, enhanced by all relevant pensions increase measures introduced between that date and the date of death.

(c) Where the marriage took place after retirement or discharge, the rate of attributable long term pension will be relative to that proportion of the spouse's service given on, or after 6 April 1978.

**Note:** the rank for the purpose of this award is the rank which would have applied to the spouse's service invaliding retired pay or pension, assuming he or she had been qualified to receive it, irrespective of length and type of service.

(2) Where an officer dies in retirement or an airman or airwoman dies after discharge from causes accepted by the Department of Social Security as attributable to or aggravated by service but either;

(a) the deceased was not attributably invalidated from the service; or

(b) death did not result from the cause of his or her invaliding from the service; the Defence Council may at their discretion decide to make an award of attributable family pension instead of the normal entitlement under Section 4;

(3) Where the widow/widower recovers damages in respect of a spouse's death, the attributable family pension will be adjusted according to the

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amount of the damages. Damages will, for the purposes of this sub paragraph, include payment received by the estate or dependents as a result of a claim in respect of the spouse's death, whether or not payment is made in pursuance of a judgement or court order, or by way of settlement or compromise.

(4) Where the spouse of an officer who dies in retirement or an airman or airwoman who dies after discharge is awarded an attributable pension by DSS under the provision of para 3079 but there is no entitlement to an attributable family pension under this section, the provision for the reduction of the rank element listed in para 3082(2) will apply instead to any non-attributable long term family pension awarded under Section 4.

**3091. Attributable Family Pensions Payable to the Eligible Survivors of Reservists**

(1) As provided for in paras 3008 and 3059, where the death of a regular or volunteer reservist is accepted by DSS as being attributable to service, and provided;

- (a) the regular reservist gave service on or after 31 March 1973; or
- (b) the volunteer reservist was a member of the volunteer reserve force on or after 31 March 1980; and
- (c) any female member gave service on or after 1 October 1987,

the surviving spouse and/or children will be eligible for awards of attributable family pensions and gratuities at the rates set out in AP3392, Vol 2, Leaflet 1818, Annex A, abated in respect of any pension benefits paid by the reservist's civilian employer as a result of the death. In the case of the surviving spouse of a regular reservist, the attributable pension will not be so reduced below the rate of any Forces Family Pension for which he or she is eligible. The abatement will be determined from the formula set out below:

$$0.75(A+B/18)$$

where

- A=the widow's/widower's civilian pension
- B=his or her civilian lump sum

(2) The provisions of sub-paragraph (1) do not apply to the spouse and/or children of members of the Royal Air Forces Reserve of Officers holding Class CC or Class J commissions nor to any personnel whilst called up for regular active service for any period.

**3092. Temporary Allowances**

Where the officer, airman or airwoman is immediately reported as missing presumed killed, or there is an extremely strong presumption of death, temporary allowances for dependents of missing personnel will

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be paid at pension benefit rates as detailed in Sections 3 and 4. See also paras 2750 to 2756.

**SECTION 6—FAMILY PENSIONS AND GRATUITIES DERIVED FROM PRESERVED PENSIONS**

**3093. Entitlement**

(1) Where a serviceman or servicewoman dies after his or her preserved pension benefits under para 3061 have been put into payment (whether by reason of age or otherwise), leaving an eligible spouse and/or eligible children, then appropriate short and long term pension benefits may be awarded under the provisions of Sections 3, 4 and 5.

(2) Where an officer, airman or airwoman dies in retirement before preserved benefits have been put into payment, the widow or widower will not be eligible for a short term family pension but subject to eligibility the spouse and/or children may be awarded a long term pension under the provisions of Sections 4 or 5 payable from the day following death. The rate of this pension will be calculated on the notional basic pension, increased by appropriate pensions increase awards since the serviceman or servicewoman's last day of service.

**3094.** Where pension awards to the family are assessed on the preserved pensions scale, the rate of pension on which that assessment is based may not exceed the rate for the spouse's rank and length of service as set out in AP3392, Volume 2.

**3095.** Where the serviceman or servicewoman gave service after 30 March 1975 and his or her retired pay or pension was abated or forfeited for any reason, then the pension awards to the family, calculated under the previous Sections, shall not result in a pension less than the preserved pension scheme would have provided unless the abatement or forfeiture was for a grave offence against the state or other serious offence in which the widow or widower was implicated.

**3096.** Where the widow is awarded an attributable pension by DSS under the provision of para 3079 but there is no entitlement to an attributable family pension under Section 5, the provision for the reduction of the pension in para 3082(2) will apply.

**3097. Gratuities**

Where a serviceman or servicewoman dies in retirement before his/her preserved pension benefits become payable, his/her widow/widower may be awarded a gratuity equal to the preserved terminal grant. The value of the preserved terminal grant

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shall be the initial assessment of the award enhanced by all pension increase measures introduced between the deceased's date of retirement and his/her death. Where there is no eligible widow or widower, the gratuity may be divided equally among the eligible children (see note below). Where there is neither an eligible widow/widower nor eligible children, a payment equal to the preserved terminal grant will be made to the estate of the deceased.

**3098.** Where a serviceman or servicewoman dies in retirement before his or her terminal grant has been adjusted to take account of preserved benefits, a payment equivalent to the difference between the terminal grant paid on voluntary retirement and a higher sum based on preserved benefit accrued rates, may be paid to his/her widow/widower and/or eligible children (see note below). Where there is neither an eligible widow/widower nor eligible children, payment will be made to the estate of the deceased.

**Note:** For the purpose of paras 3097 and 3098, eligible children are defined as in para 3073 except that there is no restriction on account of age and no dependency will be demanded of adopted children.

### SECTION 7—DEATH IN SERVICE GRATUITIES

#### 3099. Applicability of Regulations

(1) With the exception of para 3100(3), the provisions of this Section apply to the eligible survivors of officers, airmen and airwomen who die while serving on full pay. For female officers and airwomen however, eligibility, unless otherwise stated, applies only to the families of those who gave service on or after 1 October 1987.

(2) All awards under this Section will be governed by the general conditions in Section 1.

(3) Provisions exist for an advance payment of gratuity to be made by the commanding officer of the unit concerned to the widow or widower to meet immediate needs within a maximum of £1000. The MOD must be notified immediately of any advances paid.

#### 3100. Rates and Conditions

**Note:** For the purpose of this paragraph, the rank rules applicable and the rates payable for those serving on non-pensionable engagements, or for those with insufficient service for pension, will be the ranks and rates applicable to those on pensionable engagements.

(1) The widow or widower of an officer, airman or airwoman (other than those re-employed after receiving retired pay or pension) who dies whilst serving on full pay may be granted a gratuity irrespective of the terms of his or her engagement as follows:

(a) An amount equal to the terminal grant or gratuity for which the deceased would have been eligible had he or she been non-attributably invalidated on the date of death; or if greater

(b) Twice the maximum rate of Service retired pay or pension appropriate to his or her rank for invaliding purposes. For a Chaplain with less than 20 years' service the maximum retired pay used will be the rate for a Squadron Leader.

(2) Where the officer, airman or airwoman dies in service after having opted not to be a member of the Armed Forces Pension Scheme the award of a gratuity to the widow or widower will be restricted to the terminal grant or gratuity for which the serviceman/woman would have been eligible had he or she been non-attributably invalidated on the date of death.

(3) Where death occurs within one year of termination of full-time service, the widow or widower may be awarded a gratuity equal to the amount of the total gratuity which would have been payable had the deceased died on the last day of his or her service, reduced by the total of the terminal grant or gratuity paid and any sums raised by commutation.

(4) Where the officer, airman or airwoman did not leave a widow or widower eligible for an award under this section but a child or children, the full gratuity payable under sub-paras (1)–(3) above will, at the discretion of the Defence Council, be divided equally amongst the eligible children instead. For the purpose of this section, eligible children are defined as in para 3073 except that there is no restriction on account of age and no dependency is demanded of adopted children.

(5) A gratuity in respect of a child may be paid to the surviving spouse or parent of the child, or other person responsible for the child's maintenance, or to the child direct as may be decided. It may, where appropriate, be issued in instalments or withheld for later payment. A gratuity or the proportion of gratuity for which a child is eligible shall not be withheld beyond the age at which eligibility for a child's pension ceases, or age 18 whichever is earlier. The gratuity or proportion of gratuity shall be increased by relevant pensions increases from the date of the officer's, airman's or

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airwoman's death until the date of payment or the child's 17th birthday whichever is earlier.

(6) Where an officer, airman or airwoman dies in service leaving neither an eligible widow/widower nor children, a sum equal to the gratuity payable under Clause (1) above may be paid to the estate of the deceased. However, such gratuities may be abated in respect of any public or service debt.

(7) When, had the officer, airman or airwoman been invalided, his or her terminal grant or gratuity would have been abated by:

(a) The whole or unrefunded portion of any gratuity he had previously received.

(b) Any other non-effective payments he had received.

(c) A loan under the Assisted House Purchase Scheme.

(d) Any contributions towards the cost of a widow/widower's pension at the half-rate (payable by those with service prior to 1 April 1973 who have opted into the scheme).

The gratuity due under sub-para (1)-(3) above will be so abated. Otherwise, a gratuity under this section, except as provided in Clause 6, will not be subject to abatement in respect of any service debt due from the deceased.

#### 3101. Additional Attributable Gratuities

(1) Where the spouse dies on or after 31 March 1986 while giving full pay service and the death is accepted by DSS as being attributable to service, an additional gratuity equal to 100% of the annual rate of the full career retired pay or pension for the deceased's rank may be paid to the eligible widow or widower, less any supplementary benefits received from the deceased's personal pension plan. Where there is no eligible widow or widower for an award under this para, but an eligible child or children, the gratuity will, at the discretion of the Defence Council, be divided equally amongst the eligible children instead. Eligible child is as defined under para 3100(4) and may be paid as provided for under para 3100(5).

(2) Where an attributable award is approved under para 3090(2) and death occurs within one year, payment of the gratuity under Clause (1) above where applicable will be at the discretion of the Defence Council.

(3) Where a Reservist dies from a cause which is accepted as attributable to service and neither an eligible widow, widower or eligible children are

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left, a gratuity as set out in AP 3392, Vol 2, Leaflet 1818, Annex C, may be paid to the estate of the deceased.

### SECTION 8—SPECIAL WIDOWS PENSION

#### 3102. Applicability of Regulations

These regulations have effect from 12 November 1979 and apply to the widows of airmen below the rank of Warrant Officer 1 (including those given temporary promotion to commissioned or warrant rank during the second World War) whose full-pay service ceased before 1 September 1950 and who are not eligible for a pension under Section 2.

#### 3103. General Conditions governing the award of a Special Widows Pension

For a widow to be eligible for the award of a special widow's pension, the following conditions must be satisfied:

(a) The airman in respect of whose service the claim is made was in receipt of, or was eligible for, a service pension, or service retired pay, or invaliding pension determined by reference to his length of service or, where he died while serving, would have been eligible for such an award if he had been invalided from the Service on the day of his death.

(b) The widow is not in receipt of a Forces Family Pension or a War Widows Pension.

(c) The widow married the airman before his retirement or discharge or, if he subsequently gave further service in circumstances rendering him eligible to be considered for a reassessment of his service pension or service retired pay, before the termination of such further service.

(d) The widow did not remarry after the death of the airman. If, however, she did remarry and the marriage comes to, or has come to, an end an award may be made in whole or in part, at the discretion of the Defence Council if her pecuniary circumstances justify such an award.

(e) The widow is not living with a man as his wife. If she is and later ceases to do so, an award may be made at the discretion of the Defence Council under the conditions of clause (d) above.

(f) The rates of special widows pensions are set out in AP3392, Vol 2, Leaflet 1818.

#### 3104. Separation

An award of a pension to a widow who was separated from her husband at the date of his death

## SECTION 9, SPECIAL PAYMENT TO WAR WIDOWS, PARA 3119

will be at the discretion of the Defence Council, who may withhold all, or such a proportion of, the pension as seems appropriate in all the circumstances of the case.

### 3105. Unsatisfactory Service

A special widow's pension shall not, subject to any exception which the Defence Council may approve, be awarded if the service of the airman was, in the opinion of the Defence Council, unsatisfactory. If an exception is approved, the pension shall be at such a rate and subject to such conditions as the Defence Council may determine.

### 3106. Withholding or diversion of pension

(a) In exceptional circumstances, the Defence Council may withhold part of, or the whole of, a pension admissible under this Section, and may divert such pension in whole or in part for purposes which may be deemed beneficial to the pensioner or to any person dependant on the pensioner.

(b) If the death of the airman occurred within a year of the widow's marriage to him, the Defence Council may reduce or withhold the amount of any award otherwise admissible.

(c) If a widow is awarded any other pension or allowance from public funds on account of the service of the deceased airman, any pension which might otherwise be admissible under this Section may be withheld or reduced at the discretion of the Defence Council.

### 3107. Cessation of pension on re-marriage

A special widow's pension shall cease when a widow remarries or lives with a man as his wife, but if the marriage has come to an end or the widow has ceased living with a man as his wife the Defence Council may restore the pension in whole or in part under the conditions of para 3103(d).

### 3108. Date of Commencement

The date of commencement of a special widow's pension will be 12 November 1979 or the day following the date of the airman's death, if later, provided that the application is not unduly delayed.

### 3109. Rank for Purposes of Award

The rank of the airman for the purposes of assessing a special widow's pension shall be the highest paid rank held for a period of two years or more in his last five years of service unless he was invalided or died in service, when it will be the substantive rank held at the time of discharge or death.

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### 3110. Death of applicant

If an applicant for a special widow's pension dies before establishing a claim to pension, arrears of pension shall not be paid to the applicants estate, subject to any exception which the Defence Council may approve.

## SECTION 9—SPECIAL PAYMENT TO WAR WIDOWS

### 3111. Eligibility

With effect from 9 April 1990, widows of officers and airmen whose service ended before 31 March 1973 may be eligible for a special war widow's payment provided that they are in receipt of an attributable pension, analogous to a war widow's pension awarded under the War Pensions Scheme administered by the Department of Social Security, awarded to the widows of those servicemen whose deaths are held to be attributable to service between 1 October 1921 and 2 September 1939.

### 3112. Rate of Payment

A flat rate special weekly payment is to be made and this will be increased annually by analogy with the Social Security Pensions Act 1975 (as amended by the Social Security Pensions Act 1979), and at the full percentage increase as provided for under those provisions.

### 3113. Authority

The award of this special payment to war widows is outside the scope of, and does not form part of, the Armed Forces Pension Scheme. An award may be payable in addition to any Forces Family Pension awarded in respect of the husband's service.

3114–3119. (Omitted)

**CHAPTER 44**  
**HALF-PAY, RETIRED PAY AND PENSIONS PAYMENT OF**  
**SECTION 1—OFFICERS**

3120. *(Omitted)*

**3121. Authority for Issue.** When an officer becomes eligible for retired pay, the necessary authority is issued by the MOD to The Paymaster, by whom payment is made. Payment of gratuity is normally made by the MOD direct to the officer.

**3122. Declaration to be Made.**

(1) An officer becoming eligible for retired pay will receive from the MOD a form on which to apply for payment. This form must be completed and forwarded to The Paymaster.

(2) Payment of retired pay may not be made unless a declaration has been made and signed by the person entitled to receive payment.

(3) A declaration shall be required on the initial application form, and subsequently at such intervals as the Secretary of State for Defence may determine. Copies of the appropriate forms will be supplied by The Paymaster or by the person making payment on his behalf.

(4) The declaration shall state:

- (a) That the declarant is entitled to receive the payment.
- (b) The full name of the officer.
- (c) The service in respect of which the retired pay was awarded.

(5) The declaration is to be completed and signed by the officer entitled to receive payment of the retired pay in the presence of a witness, who must be a person other than the officer or his wife/or her husband, who holds one of the following qualifications or such qualification as the Secretary of State may decide:

(a) *Where the declaration is made in the United Kingdom, the Channel Islands or the Isle of Man.*

- (i) A person registered in the UK as a Parliamentary elector or on the electoral roll of Jersey, Guernsey, or Sark, or the register of electors of Alderney or the Isle of Man.

(b) *Where the declaration is made outside the United Kingdom, the Channel Islands or the Isle of Man.*

(i) A person registered in the UK as a Parliamentary elector.

(ii) An officer on the active or half-pay or pension list of any of HM Armed Forces.

(iii) A person who is on the active or pension list of the permanent civil service of any territory within the British Commonwealth or the Republic of Ireland.

(iv) A member of HM Diplomatic Service.

(v) An officer of a bank authorized to sign documents on its behalf.

(vi) A physician or surgeon registered as such under the laws of the territory where the declaration is made.

(vii) A minister of religion.

(viii) A master of a merchant ship, being a British subject.

(ix) A graduate of a university in the British commonwealth or the Republic of Ireland.

(x) A magistrate.

(xi) A barrister, solicitor or advocate authorized to practise in the territory where the declaration is made.

(xii) A notary public or other person competent by the law of the territory where the declaration is made to administer oaths.

(6) The person before whom the declaration is made shall state:

(a) The full qualifications which entitle him to attest.

(b) That the declaration was made in his presence.

(c) That he believes the person making the declaration to be the person entitled to payment.

(7) Where the declaration is made by a person on behalf of the officer it shall be supported by a statement made by a person having the required qualifications prescribed in clause (5), and not being the wife or husband of the officer or

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declarant, stating when he last saw the officer alive.

**3123. Method of Payment.**

- (1) Payment will be made monthly in arrears on dates to be notified by The Paymaster.
- (2) The payment for each month will be one-twelfth of the annual rate rounded up or down to the nearest penny.
- (3) Payment for any period of less than a month will be calculated proportionately according to the number of days in the full month ending on the date of payment.
- (4) If an officer so desires, payment will be made every third month.

**3124. Widows and Dependent Relatives.** Pensions, gratuities and allowances to widows, children and dependent relatives of deceased officers will be awarded only after application has been made to the MOD and when awarded, will be paid by The Paymaster on receipt of the necessary authority from the MOD. Payment will be made in a manner similar to that provided in paras 3122 and 3123, except to or on behalf of children or the brothers and sisters of a deceased officer, when payment will be made quarterly in advance.

**3125. Death of Payee.** When an officer in receipt of half-pay or retired pay, or a deceased officer's widow or dependent relative in receipt of a pension or allowance dies, the person entitled to receive the money should apply to The Paymaster for the payment of any arrears due to the date of death. The Paymaster will require satisfactory evidence of the death and of the claimant's right to the money. Where, owing to the assets of the deceased not exceeding £1,500, there is no necessity for probate or letters of administration to be taken out, the fact is to be stated in the application.

3126-3129. (*omitted*)

**SECTION 2—AIRMEN**

**3130. Method of Payment.**

- (1) Pensions for airmen of the rank of Warrant Officer and below will normally be paid monthly in arrears by The Paymaster. Payment can be made either:

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(a) Direct to the pensioner's Bank account, National Giro account or Building Society account, or

(b) To the pensioner's home address by payment voucher.

Exceptionally, where payment by one of the above methods would result in hardship for the pensioner, arrangements can be made for the pension to be paid weekly by the MOD by pension order book encashable at a local post office.

(2) Pensions for the widows, children or dependent relatives or airmen of the rank of warrant officer and below can be paid by any of the methods described in clause (1). Where a widow is in receipt of a pension for herself and for a child both pensions will be paid in the same manner.

(3) For pensioners residing abroad payment will be made at monthly intervals. Payment can be made by The Paymaster to a pensioner's Bank account in the UK. Otherwise the MOD will arrange for local payment or for payment from the UK direct to the pensioner's overseas address according to the arrangements in force for the country of residence.

(4) An advance of pension not exceeding 6 months may be made under certain conditions to airmen pensioners who are about to emigrate from the British Isles with a view to permanent settlement in a Commonwealth country abroad. Such advances will be restricted to pensioners who have good prospects of bettering themselves and their families by so doing. Applications should be addressed to the MOD Defence Accounts Agency, AD Acs (Pensions).

(5) A declaration, as detailed in para 3122(3)-(7) will be required for every pensioner. The appropriate declaration will be supplied either by The Paymaster; MOD, Defence Accounts Agency; or the appropriate paying agent responsible for the payment of the pension.

**3131. Change of Country of Residence.** A pensioner should notify the MOD before he proceeds abroad.

**3132. Allotment of Pension.**

- (1) A pensioner who wishes to allot his pension, or a portion thereof, in support of his family during his absence abroad for a limited period, must sign a request to that effect before he leaves.

## SECTION 4, FORFEITURE OF RETIRED PAY OR PENSION, PARA 3140

(2) An airman pensioner re-enlisted in the RN, the Army or the RM and residing at home may allot his pension through official channels.

**3133. Disposal of Balance of Pension on Death of Pensioner.** Any balance of pension that may be due to the death of a pensioner will be paid to his legal personal representative, subject to there being no recoverable public debts against the pensioner.

**3134–3137. (Omitted)**

### SECTION 3—EFFECT OF NATIONAL RETIREMENT PENSIONS ON SERVICE RETIRED PAY AND SERVICE PENSIONS

**3138. Abatement of Service Retired Pay and Service Pensions.**

(1) Except as provided in clause (2) an officer or airman entering or re-entering the Royal Air Force after 30 June, 1949, will, when he reaches the age of 65 years (or, if a woman, the age of 60 years), have his retired pay or pension reduced by £0.01667 a week (or £0.8708 a year for awards at annual rates) for each complete year of reckonable service. Service on or after 1 April 1980 will not be reckonable for this purpose. For the purpose of this clause an officer or airman whose active list of regular service is broken only by service on the reserve portion of his engagement will not be regarded as having re-entered.

(2) An officer or airman who has been awarded Service retired pay or Service pension and who is exempted from the provisions of clause (1) will continue to be so exempt notwithstanding that he may give further service.

(3) The provisions of clause (1) will not apply in the case of any officer or airman whose entry or re-entry after 30 June, 1949, was in fulfilment of an undertaking or commitment entered into before 1 July, 1949.

(4) No abatement shall be made from any retired pay or pension paid to a retired officer or airman permanently residing outside the UK unless that person is in receipt of retirement pension under the National Insurance Act, 1946, or of a corresponding award payable under reciprocal arrangements.

(5) An officer or airman in receipt of service retired pay or pension who has, during any

period of his service, paid graduated contributions at the basic rate (or is treated as having paid them by virtue of Section 58 of the National Insurance Act of 1965), shall on reaching age 65 (60 for women) have his service retired pay or pension abated by the amount of graduated retirement benefit for which he is eligible under the National Insurance Act of 1965 (or would be eligible if he had retired from regular employment). No abatement will be made where the amount of graduated retirement benefit is £0.10 a week or less. The annual rate of abatement is £1.30 a year for each £0.025 a week of graduated retirement benefit for which abatement is applied.

(6) Officers and airmen who, on or after 6 April 1978, served on a gratuity earning engagement and transferred to a pensionable engagement will, from the age of 65 years for men and from the age of 60 years for women, have their retired pay or pension abated to take account of the guaranteed minimum pension payable in respect of the period of service during which contributions were jointly paid by them and the MOD as required by the Social Security Pensions Act 1975. The abatement will be equivalent to the notional guaranteed minimum pension attributable to the period spent on the gratuity earning engagement.

**3139. (Omitted)**

### SECTION 4—FORFEITURE, SUSPENSION OR WITHHOLDING OF RETIRED PAY OR PENSION

**3140. (1)** In special circumstances, to be determined by the Defence Council, the retired pay or pension granted to an officer or airman, or any portion of it, may be suspended or withheld. Where retired pay or pension has been forfeited under Section 2 of the Forfeiture Act 1870, the Defence Council is empowered, under subsection 2 of Section 70 of the Criminal Justice Act 1948, to restore it either in whole or in part.

(2) In exceptional circumstances a payment not exceeding the amount of retired pay or pension suspended may be made by the Defence Council to, or for the benefit of, the wife or other dependants of the officer or airman. (See also the Attachment of Earnings Act, 1971, regarding attachment of retired pay or pension).

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(3) Should an officer or airman, because of mental disorder, become incapable of managing his affairs, the Defence Council may, under the provisions of Section 142, 146 and 147 of the Mental Health Act, 1983, divert to any person or institution, such part of his retired pay or pension as may be necessary for his care and maintenance and for the benefit of his dependants.

(4) Where an officer or airman fails to draw his retired pay or pension for a period exceeding twelve months, the retired pay or pension will be suspended and will not be resumed unless he satisfactorily accounts for such omission. Payment of arrears will be at the discretion of the Defence Council.

3141-3149. (Omitted).

**CHAPTER 45**  
**PENSIONS INCREASE**

**SECTION 1—INTRODUCTION**

**3150.** Provision has been made for the increase of certain pensions granted in respect of service in the RAF to correspond, as nearly as maybe, with the benefits provided in the case of certain civil pensions, by the Social Security Pensions Act 1975 as amended by the Social Security Act, 1979, and the Social Security and Housing Benefit Act 1983.

**3151.** The pensions to which these regulations relate are:

- (a) Officers service retired pay, service invaliding retired pay, service attributable retired pay, the service portion of disability retired pay and preserved pensions.
- (b) Service retired pay, preserved pensions, service invaliding retired pay, service attributable retired pay and the service portion of disability retired pay of officers of the PMRAFNS.
- (c) Airmen's service pensions, preserved pensions, service invaliding pensions and service attributable pensions including elements for rank and age, and supplements for war service.
- (d) Forces Family Pensions including attributable Forces Family pensions, short-term family pensions and Special Widows Pensions.
- (e) Pensions for gallant conduct and meritorious service annuities.

**3152.** The Pensions to which these regulations relate may be increased provided that:

- (a) The pensioner has attained the age of 55 years or the pension is a widows pension; or
- (b) The pensioner is a child of a deceased officer or airmen; or
- (c) The pensioner was invalided from the RAF with service invaliding retired pay, service attributable retired pay, or service invaliding pension or service attributable pension; or
- (d) The pensioner is permanently incapable of working through physical or mental infirmity.

**3153.** These regulations do not apply to pensions awarded to locally enlisted personnel.

**SECTION 2—PENSIONS INCREASE 1995**

**3154.** The provisions of this order are effective from 10 April 1995.

**3155.** Awards may be increased as follows:

(a) 2.20% for retired pay and pensions which began before 26 April 1994.

(b) 2.20% for Forces Family Pensions, including those awarded at minimum rates, which began before 26 April 1994.

(c) For retired pay and pensions which began on or after 26 April 1994 the increases are as follows:

Pensions beginning	Percentage Increase %
26 April–25 May 1994	2.02
26 May–25 June 1994	1.83
26 June–25 July 1994	1.65
26 July–25 August 1994	1.47
26 August–25 September 1994	1.28
26 September–25 October 1994	1.10
26 October–25 November 1994	0.92
26 November–25 December 1994	0.73
26 December 1994–25 January 1995	0.55
26 January–25 February 1995	0.37
26 February–25 March 1995	0.18
26 March 1995 onwards	nil

(d) For Forces Family Pensions which began on or after 26 April 1994, the percentage which would have been awarded to the officer, airman or airwoman from whose service the pension is derived, had the officer, airman or airwoman been alive and eligible for pension increases, whether or not the husband or wife qualified for these increases by virtue of age or health.

(e) In the case of Forces Family Pensions awarded to the widows of Marshals of the Royal Air Force which were based on the husband's rate of half pay, 2.20% for those family pensions which began before 26 April 1994, and for those which began on or after 26 April 1994 the appropriate percentage provided for is in sub paragraph (c) above.

**3156.** The amount of the increase shall be the appropriate percentage of the retired pay or pension being

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paid to the pensioner at the time the increase becomes payable, including any pension increases awarded or admissible under former Pension Increase regulations. Where commutation is effected on or after 10 April 1995 the amount commuted shall be included, as if it were still part of the pension, when assessing the increase admissible.

3157. Special payments to war widows (see paras 3111 to 3113) may be increased by 2.20% per week.

3158–3169. *(Omitted)*

**CHAPTER 46**  
**REDUNDANCY—COMPENSATION TERMS**

**SECTION 1—GENERAL CONDITIONS**

3170. (1) Instructions will be issued as and when necessary on the scope of redundancy, the selection procedures and the extent to which applications may be made for premature release on redundancy terms.

(2) Compensation will take the form of a tax free lump sum payment known as a special capital payment. In addition where an appropriate period of service has been given an immediate pension (or retired pay) and Terminal grant may be paid.

(3) Qualifying Service means full pay service from age 18. Reckonable Service means full pay service from age 18 for servicemen and age 21 for officers, whilst a member of the AFPS. Additionally, for the purposes of calculating the rate of pension and terminal grant, notional years of service which have been bought under the Purchase of Added Years Scheme and actual service brought into the AFPS by way of a Transfer Value may be included as reckonable, but not qualifying. Contracted out service means full pay service during which contracted out rates of National Insurance contributions were paid.

**SECTION 2—OFFICERS SERVING ON PERMANENT COMMISSIONS**

**3171. Special capital payments**

(1) The amount of the special capital payment will be equivalent to a number of months pay as follows:

(a) Officers with at least 13 years qualifying service:

Uncompleted portion of career to normal retiring age	Special capital payment (Note 1)
Years	Months pay
5 or more	18
4	15
3	11
2	7
1	3
Less than 1 year	See Note 2

*Note 1. The payments shown are for whole years of uncompleted service. Each further calendar*

*month of uncompleted service will attract a payment of 1/12th of the extra compensation for a further whole year of uncompleted service, subject to a maximum of 18 months pay.*

(b) Officers with 12 years or more, but less than 13 years qualifying service:

Years of qualifying service	Special capital payment (Note 2)
12 years	15 months pay

*Note 2. For periods of less than 1 year, each calendar month will attract a payment of 1/12th of the compensation for 1 year of uncompleted service.*

*Note 3. The payment shown is for 12 whole years of qualifying service. Each further calendar month of service will attract a payment of 1/12th of the extra compensation for a further complete year of service subject to a maximum of 18 months pay.*

(c) Officers with less than 12 years qualifying service:

Years of qualifying service	Special capital payment (Note 3)
Years	Months pay
11	19
10	17
9	15
8	14
7	12
6	10
5	9
4	7
3	5
2	3
1	1

*Note 4. The payments shown are for complete years of service. Each further calendar month of service will attract a payment of 1/12th of the extra compensation for a further complete year, subject to a maximum of 19 months pay.*

(2) Special capital payments will be assessed as follows:

(a) Pay will be the basic military salary in issue on the last day of full pay service or, if more favourable, the rate appropriate to any paid acting rank held on conclusion of the last appointment before retirement, excluding all forms of additional pay and allowances in either

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case. For flight lieutenant specialist aircrew only, pay will be the standard rate of pay plus the difference between the middle rate of flying pay and the rate of specialist flying pay in issue.  
 (b) A month's pay will be calculated by multiplying the daily rate by 365 and dividing by 12.

**3172. Retired pay and terminal grants.**

(1) Officers prematurely retired as redundant who have less than 16 years reckonable service but at least 12 years qualifying service, will receive retired pay calculated as a proportion of the 16 year rate according to their lengths of reckonable service. Therefore, for example, an officer with 13 years reckonable service will receive 13/16th of the 16 year rate of retired pay rate for his rank. The normal rule requiring two years service in the substantive rank will be waived.

(2) Where 16 years reckonable service has been completed, retired pay will be determined under the normal rules except that the requirement of two years service in the substantive rank will be waived.

(3) Where retired pay has been awarded under (1) or (2) a terminal grant of three times its annual value will be paid.

(4) Officers who complete two years contracted-out service, but less than 12 years qualifying service will be eligible for preserved benefits normally payable at age 60, at the rates shown in AP 3392, Leaflet 1815. Those officers with at least nine years but less than 12 years reckonable service will receive in addition a resettlement grant subject to completion of satisfactory service.

**SECTION 3—OFFICERS SERVING ON SHORT SERVICE COMMISSIONS**

**3173.** (1) In the event of premature termination of service owing to redundancy, an officer serving on a Short Service Commission will, in addition to the gratuity or preserved pension award due in respect of the period of service completed, be awarded a tax-free special capital payment calculated on the following basis:

- (a) One month's pay for each year of service completed, or
- (b) One month's pay for each year by which service is shortened, plus one month's pay, whichever is the less.

(2) For each further calendar month in addition to full years of completed or uncompleted service, an

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adjustment will be made of 1/12th of the difference, if any, between the payment for the complete years and the payment for the next complete year.

(3) In cases where there is less than one year of completed service, each complete calendar month will attract a payment of 1/12th of the compensation rate for one year. In cases where there is less than one year of uncompleted service remaining, each whole uncompleted calendar month will attract a payment of 1/12th of the compensation rate for one year.

(4) The payment under sub para (1)(a) or (b) above will be assessed in accordance with para 3171(2).

**SECTION 4—SERVICEMEN**

**3174. Special capital payments**

(1) Provided, there is no evidence that they would not have engaged for, or would have been refused, an extension to complete 22 years reckonable service, a special tax free capital payment will be granted on discharge by reason of redundancy to airmen serving on pensionable engagements or engagements in excess of 12 years.

(2) The amount of the special capital payment will be as set out below:

(a) Servicemen with 16 years or more qualifying service:

Uncompleted period of engagement Years	Special capital pay- ment (Note 4) Months pay
5 or more	18
4	15
3	11
2	7
1	3
Less than 1 year	See Note 6

*Note 5. The payments shown are for whole years of uncompleted service. Each further calendar month of uncompleted service will attract a payment of 1/12th of any extra compensation for a further whole year of uncompleted service, subject to a maximum of 18 months pay.*

*Note 6. For periods of less than 1 year, each calendar month will attract a payment of 1/12th of the compensation for 1 year of uncompleted service.*

(b) Servicemen with at least 12 and less than 16 years qualifying service:

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Years of complete service	Special capital payment (Note 5)
Years	Months pay
15	
14	15
13	
12	13

Note 7. The payments shown are for complete years of service. Each further calendar month of service will attract a payment of 1/12th of any extra compensation for a further complete year subject to a maximum of 18 months pay.

(c) Servicemen with less than 12 years qualifying service:

Years of complete service	Special capital payment (Note 6)
Years	Months pay
11	19
10	17
9	15
8	14
7	12
6	10
5	9
4	7
3	5
2	3
1	1

Note 8. The payments shown are for complete years of service. Each further calendar month of service will attract a payment of 1/12th of the extra compensation for a further complete year, subject to a maximum of 19 months pay.

(3) A serviceman who does not qualify for a special capital payment under para 3174(1) or 3174(2) will, if discharged prematurely by reason of redundancy, be granted a special capital payment as follows:

(a) One month's pay for each year of service completed or,

(b) One month's pay for each complete year by which service is shortened, plus one month's pay, whichever is the less.

(c) For each further calendar month of service, in addition to the full years of completed or uncompleted service, an adjustment will be made of 1/12th of the difference, if any, between the payment for the complete years and the payment for the next complete year.

(d) In cases where there is less than one year of completed service, each complete calendar month will attract a payment of 1/12th of the compensation rate for one year. In cases where

there is less than one year of uncompleted service remaining, each whole uncompleted calendar month will attract a payment of 1/12th of the compensation rate for one year.

(4) Special capital payments will be assessed as follows:

(a) Pay will be the rate of pay in issue on the last day of full paid service, or if more favourable, the rate appropriate to any paid acting rank held on conclusion of the last appointment, before discharge. Length of service increments will be included but all other forms of additional pay and allowances will be excluded.

(b) A month's pay will be calculated by multiplying the daily rate by 365 and dividing by 12.

**3175. Pensions and Terminal Grants.**

(1) Servicemen eligible for a special capital payment under the terms of para 3174:

(a) Who have less than 22 years reckonable service, but at least 12 years qualifying service will receive a pension calculated as a proportion of the 22 year rate according to their lengths of reckonable service. Thus a serviceman with 13 years reckonable service would receive 13/22nd of the 22 year rate of pension;

(b) where 22 years reckonable service has been completed, a pension will be calculated at the normal rate payable according to length of reckonable service given;

(c) airmen with less than 12 years reckonable service but at least 2 years contracted-out service will be eligible for preserved benefits normally payable at age 60, at the rates shown in AP 3392, Leaflet 1815;

(d) airmen who have 12 or more years reckonable service and are deemed not to be on pensionable engagements will be eligible for a preserved pension and terminal grant normally payable at age 60 and in addition a resettlement grant.

(e) Where it is to the advantage of the individual, redundancy terminal benefits may be assessed on the substantive rank held at the time of discharge, regardless of the length of time that rank has been held.

(2) Where a pension has been awarded under Clause 1(a) and (b) above a terminal grant of three times its annual value will be paid.

**3176. General Provisions**

(1) Once selected for redundancy officers and servicemen will not be eligible for further acting

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or substantive promotion whether granted by selection or otherwise; but subject to their occupying a post which justifies its retention, they may retain until final retirement or discharge any acting rank held when selected for redundancy.

**3177. Recovery of Special Capital Payment**

(1) Where an officer or serviceman who has received a Special Capital Payment under the provisions of Chapter 46 is, within 5 years of redundancy, re-employed on full pay in any one of HM Armed Forces he shall be required to refund a proportion of the Special Capital Payment received. The refund will be calculated as follows:

$$\frac{a-b}{a} \times \text{Special Capital Payment}$$

Where a=5 years or the uncompleted period of service on redundancy, whichever is the less, and b=the break in service. In cases of b being greater than a there is no refund.

(2) If an officer or serviceman who has received a Special Capital Payment under the terms of Chapter 46 takes up, within 2 years of redundancy, an appointment which is reserved for former members of the Armed Forces (including a Retired Officer or similar post in the Ministry of Defence or other Government Department or an established appointment in the Home Civil Service or Foreign Service under special schemes which reserve vacancies for former members of the Armed Forces),

or an appointment made by, or on the recommendation of a Minister of the Crown other than a business appointment where it is required that the application should be so approved, he shall be required to refund part of the Special Capital Payment in accordance with the following formula and associated limitations:

$$\text{Refund} = \left(1 - \frac{A}{24}\right) \times \frac{2B}{3}$$

where A=the number of complete months elapsed since redundancy and B=the annual rate of salary (excluding London Weighting or equivalent supplement) on appointment to the new post.

The associated limitations are that:

- (i) in no case will the amount of Special Capital Payment be reduced by the refund to less than a sum equivalent to 3 month's military salary at the rate defined for the purposes of assessing the Special Capital Payment awarded;
- (ii) where the Special Capital Payment awarded was less than 3 month's military salary as defined, no refund will be required.

(3) Refunds under sub paras (1) and (2) above are due immediately on taking up employment.

**3178–3182. (Omitted)**

## CHAPTER 47 ADDITIONAL VOLUNTARY CONTRIBUTIONS

### SECTION 1—INTRODUCTION

**3183.** Officers, airmen and airwomen (hereinafter referred to as Servicemen) may make additional voluntary contributions to obtain enhanced benefits under the Armed Forces Pension Scheme. Details of the provisions for this are set out in the following Sections.

**3184.** For the purposes of paras 3185 to 3229, the term military salary shall be taken to mean the daily rate of pay for the rank (and length of service in that rank) plus the daily rate of any long service increment, multiplied by 365 (or 366 in a leap year). Representative pay should be taken to mean the rate of pay upon which the normal rates of Armed Forces Pension Scheme pensions/retired pay are calculated.

### SECTION 2—PURCHASE OF ADDED YEARS

**3185.** Servicemen may, at the discretion of, and at rates agreed from time to time by, the Defence Council, and in accordance with Inland Revenue rules, buy additional years of service (hereinafter referred to as added years) provided that:

- (a) Service was given on or after 31st March 1980.
- (b) The serviceman is a member of the Armed Forces Pension Scheme and paying national insurance contributions at the contracted-out rate.
- (c) Pensionable service commenced 9 or more years before the age of 55 years.
- (d) The serviceman is not in medical categories A4G4Z4 or A4G4Z5 nor under notice of invaliding or premature retirement.
- (e) The serviceman is not serving on a Short Service Commission.

**3186.** Added years may be bought by regular deductions from salary commencing from the Serviceman's next birthday after the date of his option and continuing until age 55 years when deductions will cease; or by lump sum payment within 12 months of commencing pensionable service. In the former case, and subject to para 3187, the total annual contributions for the purchase of added years together with any other direct superannuation contribution, including Freestanding

Additional Voluntary Contributions, shall not exceed 15 per cent of the contributor's annual military salary including any length of service pay.

**3187.** For those becoming members of the Armed Forces Pension scheme on or after 1st June 1989, total contributions may not exceed 15% of the contributor's annual military salary or 15% of £78,600 (or such higher figure as may be determined in accordance with the provisions of section 590C(4) and (5) of the Finance Act 1989(a)) whichever is the lesser.

**3188.** An option to buy added years once signed and accepted is final and irrevocable. Those received on or after 29th November 1985 are to include a signed declaration to the effect that the Serviceman has no reason to believe that his health may prevent him from continuing in service until the completion of his commission or engagement.

**3189.** Added years shall not count towards the minimum period of service to qualify for preserved pension, resettlement grant, service retired pay or pension or invaliding retired pay or pension.

**3190.** If a Serviceman leaves the Armed Forces, or dies in Service after reaching age 55, any added years purchased shall count in full as reckonable service in the calculation of retired pay or pension.

**3191.** If a Serviceman who has bought added years by lump sum payment dies or is invalided before the age of 55 years the reckonable service for calculating retired pay or pension shall be increased by the full amount of the added years purchased.

**3192.** If a Serviceman leaves the Armed Forces before the age of 55 years with immediate retired pay or pension, the added years purchased shall be reduced to take account of the value of the payment of benefit before that age.

**3193.** Where death or invaliding occurs before the age of 55 years, a person buying added years by regular deductions from salary who has already qualified for immediate pension benefits shall have his reckonable service increased as follows:

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(a) If the option to purchase was received before 29th November 1985 by the formula  $\frac{A \times B}{C}$

Where A is the number of added years which the person opted to buy.

B is the period, to the nearest day, over which the person has paid contributions.

C is the total period over which the person would have paid contributions had he served to the age of 55 years.

(b) If the option to purchase was received on or after 29th November 1985, by the full amount of the added years for which he is paying periodical contributions.

**3194.** If a Serviceman, who has purchased added years by lump sum payment, or is buying added years by regular deductions from salary, leaves the Armed Forces with a preserved pension, only the added years actually purchased to the date of discharge shall count in the calculation of the preserved pension or transfer value.

**3195.** Where a Serviceman leaves the Armed Forces before qualifying for a preserved pension and does not request a transfer value, the contributions made shall be refunded with compound interest at 4 per cent per annum.

**3196.** Added years shall count in full towards a half-rate widow's and widower's pension.

**3197.** Retired pay or pension based on added years is not commutable under the Life Commutation arrangements.

**3198.** Added years shall have no relevance in determining age for the purpose of abating retired pay on premature voluntary retirement.

**3199.** Any abatement to retired pay or pensions under preceding chapters shall be levied on the full value including that element which is based on added years.

**3200.** If on final retirement or discharge two periods of service are treated separately for pension purposes, any added years purchased shall be allocated between them in proportion to the length of each period of service.

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### SECTION 3—ENHANCEMENT OF ALL NON-ATTRIBUTABLE BENEFITS

**3201.** Servicemen may, at the discretion of, and at rates agreed from time to time by the Defence Council, and in accordance with Inland Revenue rules, buy an enhancement of all non-attributable benefits by the same proportion as Military Salary exceeds representative rate of pay on the date of retirement provided that:

(a) Service was given on or after 3rd April 1989.

(b) The Serviceman is a member of the Armed Forces Pension Scheme and paying National Insurance contributions at contracted-out rates.

(c) The Serviceman is not in medical category A4G4Z4 or A4G4Z5 nor under notice of invaliding or premature retirement.

(d) The Serviceman falls into one of the following categories:

(i) *Officers* Medical and Dental officers.

(ii) *Airmen.* Senior Aircraftmen and Junior Technicians in receipt of Band 3 rates of pay and Junior Technicians in receipt of Band 2 rates of pay. Corporals in receipt of Band 3 rates of pay. Sergeants in receipt of Band 6 rates of pay. Chief Technicians, Flight Sergeants and Warrant Officers in receipt of Band 7 rates of pay.

(e) The serviceman is not serving on a Short Service Commission.

**3202.** These enhanced benefits may be purchased by regular deduction from salary commencing from the date on which the application is received, continuing until age 55 when deductions will cease. Where service continues beyond age 55, a different rate of contribution will be payable until retirement. Subject to para 3203 below the total annual contributions together with any other direct superannuation contributions, including Freestanding Additional Voluntary Contributions, shall not exceed 15 per cent of the contributor's annual military salary.

**3203.** For those becoming members of the Armed Forces Pension Scheme on or after 1st June 1989, total annual contributions may not exceed 15 per cent of the contributor's annual military salary of 15% of £78,600 (or such higher figure as may be determined in accordance with the provisions of sections 590C(4) and (5) of the Finance Act 1989) whichever is the lesser.

**3204.** An application to buy these enhanced benefits once signed and accepted is final and irrevocable.

#### SECTION 4, PURCHASE OF ADDITIONAL PENSIONS, PARA 3218

**3205.** If a Serviceman leaves the Armed Forces, or dies in service, after reaching age 55, the enhancement to benefits will be paid in full.

**3206.** If a Serviceman leaves the Armed Forces before age 55 with immediate retired pay or pension, the enhancement shall be reduced to take account of the value of the payment of benefit before that age and the period of contributory service provided for in determining the rate of contributions paid.

**3207.** In the event of either death in service or invaliding from service, the non-attributable benefits payable shall be increased by the full enhancement.

**3208.** If a Serviceman leaves the Armed Forces with a preserved pension, the enhancement shall be reduced to take into account the period of contributory service provided for in determining the rate of contributions to be paid.

**3209.** Where a Serviceman leaves the Armed Forces before qualifying for a preserved pension and does not request a transfer value, the contributions made shall be refunded with compound interest at 4 per cent per annum.

**3210.** That part of retired pay or pension which constitutes an enhancement purchased by Additional Voluntary Contributions shall not be commutable under the Life or Resettlement Commutation arrangements.

**3211.** Any abatement to retired pay or pension awarded under preceding chapter shall be levied on the full value of such award including that element which derives from the enhancement purchased by Additional Voluntary Contributions.

**3212.** Where a Serviceman leaves the Armed Forces, or death in service occurs, and his military salary does not on that date exceed the representative rate of pay appropriate to his rank, no enhancement will be payable and no refund of contributions will be made.

#### SECTION 4—PURCHASE OF ADDITIONAL NON-ATTRIBUTABLE WIDOW OR WIDOWER PENSIONS

**3213.** Servicemen may, at the discretion of, and at rates agreed from time to time by, the Defence

Council, and in accordance with Inland Revenue rules, buy additional widows' or widowers' pensions provided that:

- (a) Service was given on or after 3rd April 1989.
- (b) The Serviceman is a member of the Armed Forces Pension Scheme and paying national insurance contributions at contracted-out rate.
- (c) The Serviceman is not in medical category A4G4Z4 or A4G4Z5 nor under notice of invaliding or premature retirement.
- (d) The serviceman is not serving on a Short Service Commission.

**3214.** Additional widows' or widowers' benefits shall be purchased by regular deduction from salary commencing from the date on which the application is received continuing, for officers, until retirement or other termination of service. For airmen who continue in Service after they have completed 22 years' reckonable service, the rate of deduction shall be revised on completion of 22 years' service and continue at the revised rate until retirement. Subject to para 3215, the total annual contributions together with any other direct superannuation contributions, including Free-standing Additional Voluntary Contributions, shall not exceed 15 per cent of the contributors annual military salary.

**3215.** For those becoming members of the Armed Forces Pension Scheme on or after 1st June 1989, total annual contributions may not exceed 15 per cent of the contributor's annual military salary or 15% of £78,600 (or such higher figure as may be determined in accordance with the provisions of section 590C(4) and (5) of the Finance Act 1989) whichever is the lesser.

**3216.** The additional widows' or widowers' pensions payable will be the difference between the long term widows' or widowers' pension or attributable widows' or widowers' pension payable under the provisions of Chapter 43 and four-ninths of the representative rate of pay for the rank and the length of reckonable service at the date of retirement or discharge or death in service, and shall be payable from the same date as the long term widows' or widowers' attributable or non-attributable pension.

**3217.** An application to buy additional widows' or widowers' pensions, once signed and accepted is final and irrevocable.

**3218.** If a Serviceman leaves the Armed Forces, or dies in service, after reaching age 55, the additional

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pension, calculated as defined in para 3216, shall be paid in full.

3219. Where death in service or invaliding occurs before age 55, the additional pension, calculated as defined at para 3216, shall be paid in full.

3220. If an officer leaves the Armed Forces before age 55, for reasons other than invaliding, with immediate retired pay, the additional pension shall be reduced to take account of the shorter period of contribution.

3221. If a Serviceman leaves the Armed Forces with a preserved pension, the additional pension shall be reduced to take account of the shorter period of contribution.

3222. Where a Serviceman leaves the Armed Forces before qualifying for a preserved pension and does not request a transfer value, the contributions made shall be refunded with compound interest at 4 per cent per annum.

3223. If a Serviceman dies and there is no widow or widower, no refund of contributions will be made.

**SECTION 5—PURCHASE OF ENHANCED DEATH IN SERVICE LUMP SUM**

3224. Servicemen may, at the discretion of, and at rates agreed from time to time by, the Defence Council, and in accordance with Inland Revenue Rules, buy an enhanced death in service lump sum provided that:

(a) Service was given on or after 3rd April 1989.

(b) The Serviceman is a member of the Armed Forces Pension Scheme and paying National Insurance contributions at contracted-out rate.

(c) The Serviceman is not in medical category A4G4Z4 or A4G4Z5 or is under notice of invaliding.

3225. The enhanced death in service lump sum may be purchased by regular deductions from salary commencing from the date on which the application is received by the pensions office continuing:

(a) For officers, until retirement.

(b) For airmen, until 22 years' reckonable service has been completed unless service continues in which case a revised rate of contribution will be payable until retirement.

3226. Contributions are made on an insured basis, and will not be refunded nor will any transfer value reflect such contributions.

3227. The enhancement will be the difference between all normal Armed Forces Pension Scheme lump sums and four times the representative rate of pay for the rank at the 34/37 year point at the date of death.

3228. The Serviceman will be insured from the date on which the application form is received, and date stamped, by the pensions office.

3229. An option to buy the enhanced death in service lump sum once signed and accepted is final and irrevocable.