



Ministry of Defence

Ministry of Defence
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Our Reference: FOI2015/07103



3 September 2015

Dear [REDACTED],

Thank you for your letter to the Ministry of Defence (MOD) dated 10 August 2015 in which you requested the following information:

Could you please advise under the Freedom of Information Act 2000 what was the authority for the exclusion of 'condoned service' from the calculation of reckonable service in AFPS 75, for those of us who transferred from GPS to AFPS 75 under GOTT on 1 December 2008, and provide a copy of that document.

I am treating your correspondence as a request for information under the Freedom of Information Act (FOI) 2000.

A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that the MOD does hold some information within the scope of your request; this is provided in the attached documents. In answering this request we have interpreted the 'authority', which confirms condoned service is treated as qualifying service, as the legal authority.

The legal authority is contained in the Army Pensions Warrant 1977, Amendment 40, Change 3, Article 470. There is no effective date for the document but we do know it was approved in late February 2008.

Under Section 16 of the FOI Act (Advise and Assistance) I have also enclosed an Explanatory Memorandum of the Amendment and also an e-mail documenting that the approved version of the Warrant was laid before Parliament as formal legal authority.

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

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

Yours sincerely,

Defence People