

CHAPTER 39

SERVICE PENSIONS, SERVICE INVALIDING PENSIONS, SERVICE ATTRIBUTABLE PENSIONS, TERMINAL GRANTS AND GRATUITIES – AIRMEN

The pension guidance enclosed in the 5th Edition (1999) of Queen's Regulations (RAF) which relate to Armed Forces Pension Scheme 1975 (AFPS 75) remain extant for RAF Service personnel who left the Service prior to 6 April 10. RAF Service personnel still serving after 6 April 10 should refer to the appropriate RAF document found in the Tri-Service Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme Prerogative Instruments 2010. This document may be found in the Intranet Publications library

<http://defenceintranet.diif.r.mil.uk/Personnel/Military/Remuneration/Pages/PensionsfortheArmedForces.aspx>

SECTION 1 - SERVICE PENSIONS, SERVICE INVALIDING PENSIONS, SERVICE ATTRIBUTABLE PENSIONS

3016. Applicability of Regulations. *Sponsor:SPP(Pens)*

(1) The provisions of this Section apply, to airmen discharged or transferred to the Reserves on, or after, 31 March 2003 (ie whose last day of service on full pay was 31 March 2003 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.

(3) The Veterans Agency is defined in para **2927**.

3017. Reckonable Service. *Sponsor:SPP(Pens)*

(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 2929**.

(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) With effect from 23 June 1994, a period during which an airwoman is in receipt of Statutory Maternity Pay, even where this period occurs after the date of her discharge.

(g) Former full pay service in the Commonwealth military forces, but only where service in

the UK Armed Forces commenced before 1 September 1985.

(h) 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.

(i) For an airwoman whose baby was due on or after 30 April 2000, the period of ordinary maternity leave of up to 18 weeks.

(j) Periods on reduced pay while being sponsored as an outstanding athlete.

(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.

(f) Any period of unpaid leave, except as specifically authorised elsewhere in these regulations.

(g) Any period during which the airman was authorised to take an unpaid career break.

3017A. Qualifying and Reckonable service in relation to Maternity, Adoption, Paternity and Parental Leave. *Sponsor: SPP(Pens)*

(1) Maternity Leave-

(a) The following time periods will count as both qualifying and reckonable service:

(i) For an airwoman whose baby was due on or after 16 October 1994, but before 30 April 2000, the first 14 weeks of maternity leave.

(ii) For an airwoman whose baby was due on or after 30 April 2000, but before 6th April 2003, the first 18 weeks of maternity leave.

(iii) For an airwoman whose baby was due on or after 6th April 2003, the first 26 weeks of maternity leave.

The periods of leave at (i) to (iii) above will be referred to as 'Ordinary Maternity Leave' (OML) subject to the relevant terms and conditions defined in Defence Council Instruction (DCI) JS 99 2001, DCI JS 05 2003 and single Service regulations as amended.

(b) Any additional pension benefit/supplement within the AFPS to which the airwoman may be entitled will be unaffected by her taking OML.

(c) 'Additional Maternity Leave' (AML) counts as qualifying service, but will not count as reckonable service. The following time periods will constitute AML subject to the relevant terms and conditions defined in DCI JS 99 2001, DCI JS 05 2003 and single Service regulations as amended:

(i) For an airwoman whose baby was due on or after 1st June 2001, but before the 6th April 2003, AML must end no later than 29 weeks from the birth of the child.

(ii) For an airwoman whose baby was due on or after 1st June 2001, but before the 6th April 2003, any official extension to the AML period under the 'Enhanced Maternity Leave' arrangements, up to 37 weeks from the birth of the child.

(iii) For an airwoman whose baby was due on or after the 6th April 2003, 26 weeks from the end of OML.

(d) Where an engagement is extended by the period of service equivalent to AML for the purposes of obtaining the required reckonable service to be eligible to an immediate pension, this extended period of service will count as both qualifying and reckonable service for pension purposes.

(e) With effect from 23 June 1994, a period during which an airwoman is in receipt of statutory maternity pay, even where this period occurs after the date of her retirement will count as both qualifying and reckonable service.

(2) Adoption Leave-

(a) An airman (male or female), who is not taking 'Paternity Leave' (Adoption) and who is notified of being matched with a child on or after 6th April 2003, or with whom a child is placed for adoption on or after that date, the first 26 weeks of 'Adoption Leave' will count as both qualifying and reckonable service.

The other parent (male or female) in the case of adoption, who is not taking 'Adoption Leave' will be eligible for 'Paternity Leave'. (See: para **3017A**, (3)). The 'Adoption Leave' period defined above will henceforth be termed 'Ordinary Adoption Leave' (OAL) and will be subject to the relevant terms and conditions defined in DCI JS 40 2003, and single Service regulations as amended.

(b) 'Additional Adoption Leave' (AAL) counts as qualifying service, but will not count as reckonable service. The following time periods will constitute AAL subject to the relevant terms and conditions outlined in Defence Council Instruction (DCI) JS 40 2003 and single Service regulations as amended.

(i) For an airman who is notified of being matched with a child on or after the 6th April 2003, or with whom a child is placed for adoption on or after that date, up to 26 weeks leave from the end of OAL.

(c) Any additional pension benefit/supplement within the AFPS to which the airman may be entitled will be unaffected by taking OAL.

(d) Where an engagement is extended by the period of service equivalent to the AAL for the purposes of accruing the required reckonable service to become eligible to an immediate pension, this extended period of service will count as both qualifying and reckonable service for pension purposes.

(3) Paternity Leave-

(a) An airman whose baby was due on or after 6th April 2003 or, in the case of adoption, an airman (male or female) who is not taking 'Adoption Leave' and is notified of being matched with a child on or after 6th April 2003, or with whom a child is placed for adoption on or after that date, will be eligible to take 2 weeks 'Paternity Leave', subject to the relevant terms and conditions defined in DCI JS 41 2003, and single Service regulations as amended. 'Paternity Leave' counts as both qualifying and reckonable service.

(b) Any additional pension benefit/supplement within the AFPS for which the airman may be entitled will be unaffected by taking Paternity Leave.

(4) Parental Leave & Prenatal Leave-

(a) 'Parental Leave' and 'Prenatal Leave' counts as qualifying service, but will not count as reckonable service. 'Parental Leave' will be subject to the terms and conditions defined in Defence Council Instruction (DCI) DCI JS 153 2001, DCI JS 79 2002 and single Service regulations as amended. 'Prenatal Leave' will be subject to the terms and conditions of DCI JS 99 2001, DCI JS 05 2003 and single Service regulations as amended.

3018. Adjustments for Previous Service. Sponsor: SPP(Pens)

(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 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. All airmen who re-enter the Service on or after 1 December 1998 may, subject to para **3018(4)**, count any previous gratuity-earning service irrespective of the length of the break in service.

(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) Where an airman received a gratuity in respect of previous service and the airman re-enters the Service on or after 1 December 1998, that former service may qualify for non-effective benefits, provided the gratuity is refunded within the first year of transferring to a pensionable engagement, whether in a lump sum, by 12 equal payments, or by a combination of the two. The arrangements for refunding must be made at the time of entry in to a pensionable engagement. The amount of the refund shall be the full gratuity plus interest at the base rate, calculated on a monthly basis, from the day after the last day of service in respect of which the gratuity has been awarded, to the day before the date of re-entry. Where the break in service is one month or less no interest is payable. For the purposes of this paragraph the term 'base rate' means the rate for the time being quoted by the reference banks as applicable to sterling deposits or where there is for the time being more than one such base rate, the rate which when the base rate quoted by each bank is ranked in a descending sequence of four, is first in the sequence; the term 'reference banks' means the largest institutions for the time being which:

(a) are authorised by the Bank of England under the Banking Acts 1987,

(b) are incorporated in, and carrying on within the United Kingdom, a deposit-taking business (as defined in Section 6, but subject to any order under Section 7 of that Act); and

(c) quote a base rate applicable to sterling deposits.

(5) 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.

(6) 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. *Sponsor: SPP(Pens)*

- (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 minimum period of reckonable service necessary for the award of a service pension or service invaliding benefits. Where, however, service credited by a transfer payment is less than the period actually served in the exporting scheme, the previous service will count as to its actual length for the purpose of the two-year qualifying period for preserved pension benefits.
- (4) Where previous service that was credited to another pension scheme by means of a transfer value has been transferred back in to the Armed Forces Pension Scheme, that previous service will count in accordance with the normal rules towards the minimum qualifying period for payment of pension. The service credited from the incoming transfer value will reckon towards pension. Where the minimum qualifying period is met but the total reckonable service including the service credited from the transfer value is less than 22 years, the pension will be awarded pro rata on the 22 year rate.

3020. Rank for Pension Purposes. *Sponsor: SPP(Pens)*

- (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 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 paragraph **3245** and **3246** if this is more advantageous.

3021. Rates of Service Pension. *Sponsor: SPP(Pens)*

- (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 [the AFPS 75 Pension Codes](#).
- (2) The maximum rate of pension will be that appropriate to 37 years' reckonable service.

(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 2/3 of the actual length, and RAF(Malaya) will be assessed at Malayan rates and converted to sterling.

(5) With effect from 1 April 2003, the pension benefits of Professional Aviators will also be augmented by the addition of a pension supplement at the rate specified in the **AFPS 75 Pension Code**. Where an airman is invalided attributably or non-attributably, and the appropriate invaliding pension code is lower than a pension calculated in this way, then the normal rate of retired pay shall apply.

3022. Conditions of Award. *Sponsor:SPP(Pens)*

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

(2) 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.

(3) An airman 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 he is within 6 months of reaching the age 55. If previous Armed Forces Pension Scheme service had been transferred out of the Scheme, that and all service during which the airman 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.

(4) If previous Armed Forces Pension Scheme service had not been transferred out of the Scheme, and service during which the airman 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.

(5) If service during which the airman 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 in sub-paragraph (4) above.

(6) Where an airman was ineligible to join or rejoin the Armed Forces Pension Scheme, and subsequently becomes eligible, then provided he 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 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 may take a refund of the contributions paid.

3022A. Airmen re-employed in public service. *Sponsor: SPP(Pens)*

The pension of an airman who is re-employed in FTRS service may be subject to abatement. Abatement will apply where an individual is re-employed in an FTRS appointment and where the appointment was made under closed competition terms. The abatement will continue throughout the period of FTRS. In this paragraph closed competition means that the appointment is only made available to members and former-members of the Armed Forces, including reservists. Pension is to be reduced so that the total remuneration by way of service pension and salary received on the day of taking up the FTRS appointment does not exceed the uprated annual rate of basic military salary in issue on the last day of regular service. The abatement will be calculated as follows:

$$A = B + C - D$$

where

A is the amount of the abatement.

B is the service pension on the date of the public service appointment inclusive of any sum commuted and pensions increases assessed as if commutation had not taken place.

C is the salary of the public service appointment on date of appointment.

D is the basic military salary in issue on the last day of service dynamised where necessary by pensions increase factors with operative dates, up to, on, or subsequent to, the date of retirement and up to the date of taking up the public service appointment.

Where the formula produces a negative result, there will be a nil abatement.

Once the abatement has been determined it is not subject to recalculation for the duration of the appointment unless there is a change in conditioned hours or where there is a change of rank or grade, or re-appointment under a new contract.

Any pension that has been subject to abatement will be re-instated on completion of a period of FTRS.

3023. Invaliding. *Sponsor: DCDS (Pers & Trg) AFC(Pol)*

(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 2005, Annexes A and B.

(1A) In this paragraph, a reference to a 'degree of disability' means the assessment of the degree of disablement made by the Veterans Agency in accordance with Article 9 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 ("Service Pensions Order") in respect of any injuries or conditions which directly resulted in the individual being invalided from service.

(1B) For the avoidance of doubt, an airman is not entitled to service attributable pension under this paragraph if he is entitled to the payment of benefits under the Armed Forces Compensation Scheme 2005 (established under s.1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32)) in respect of the same condition.

(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.

(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 **Appx 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) This subparagraph applies where an airman's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, where an airman is invalided from the Service as the result of disabilities which are accepted by the Veterans Agency 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 degree of disability as set out in [AFPS 75 Pension Codes](#), 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.

(5A) This subparagraph applies where an airman's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, an airman who is invalided from the service as the result of a disability for which he is entitled to the payment of a war disablement pension under Article 10 of the Service Pensions Order by virtue of the degree of disability (as defined in 3023(1A)) assessed as at the date of invaliding being 20% or more, and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be awarded Service Attributable Pension. This shall be either the award for which he is eligible under clause (2) of this paragraph 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 2005, Annex B, whichever is the greater. Service Attributable Pension may be awarded irrespective of length of service but is subject to adjustment or cessation as provided for in clause (4). In cases where the Defence Council so decide the award and the amount of Service Attributable Pension shall be at their discretion. This subparagraph applies regardless of whether the airman has opted out of the Armed Forces Pension Scheme.

(5B) Where the airman is invalided on or after 1 January 2000 due to a disability which is not accepted as attributable to or aggravated by service under subparagraph (5) or (5A) above, but has another disability which is accepted by the Defence Council as attributable to or significantly aggravated by service, and which the Defence Council accepts would itself have led to invaliding, the Defence Council may decide to consider such disability for the purposes of determining eligibility for Service Attributable Pension under subparagraph (5) or (5A).

(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 Veterans Agency during the first 12 months following his invaliding, or following the date of determination of attributability by the Veterans Agency 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 receives any compensation for a disability which led to him being invalided and where he is awarded benefits under subparagraph (5) or (5A) above, 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 has opted out of the Armed Forces Pension Scheme, he may be awarded a service attributable pension under this paragraph, but this may 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.

(10) Where the cause of the airman's invaliding is wholly or partly due to his own negligence, misconduct or other matter within his own control, any award of Service Attributable Pension under subparagraph (5) or (5A) may be withheld or reduced to the extent that the Defence Council considers appropriate.

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

Sponsor: SPP(Pens)

(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 but not less than the rates given in **AFPS 75 Pension Codes**, having regard to the circumstances of the case.

(2) An airman who is dismissed or discharged on the grounds of disgrace para 607(6)(a) (b) or (c), or misconduct para 607(7)(a) (b) or (c), and who has completed at least 22 years' reckonable service, may be awarded a pension at the rates given in **AFPS 75 Pension Codes**. These rates of pension may also be awarded to an airman who has left service under a different mode of exit but is retrospectively discharged due to misconduct.

(3) An airman who is discharged on the grounds of inefficiency para 607(21), unsuitability para 607(22)(b), or incapacity para 607(22)(d) and who has completed at least 22 years' reckonable service, may be awarded pension at the rates given in **AFPS 75 Pension Codes**.

(4) Forfeiture of pension benefits may occur in the circumstances outlined in para **3140**.

3025. Revision of Pension at Pension Benefit Age.

Sponsor: SPP(Pens)

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 pension benefit age.

3026. Commutation of Pension.

Sponsor: SPP(Pens)

Life Commutation Scheme

(1) Under this scheme an airman 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.

(2) As an exception to the normal procedure, 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 £1,000.

(3) Airmen discharged on or after 1 June 1983, whose maximum available sum under the resettlement scheme set out in para 3287 would be less than £1,000 may, in addition, commute concurrently under the life commutation scheme, sufficient pension to produce a total sum from both schemes of £1,000.

(4) The following awards are not commutable:

- (a) 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;
- (b) Any proportion of service pension based on purchase of added years, service bought in by transfer value or additional voluntary contributions of any kind;
- (c) Additions to pensions authorised under the provisions of pension increases regulations;
- (d) Preserved awards.

(5) Application forms and further details of the commutation scheme can be obtained on request from the Service Personnel and Veterans Agency (Glasgow).

3027-3030. *(Omitted)*

SECTION 2 - TERMINAL GRANTS, DEATH IN SERVICE GRATUITIES, NON-COMMISSIONED AIRCREW GRATUITIES, ADDITIONAL ATTRIBUTABLE GRATUITIES, SPECIAL CAPITAL PAYMENTS

3031. Terminal Grants.

Sponsor: SPP(Pens)

(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 pension benefit age 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.

3032. Death in Service Gratuities.

Sponsor: SPP(Pens)

A lump sum payment will be made to the estate of an airman who dies in service leaving neither an eligible surviving spouse, surviving civil partner 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. Subject to restrictions imposed by the Pensions Act 1995, any public debts outstanding at the time of death will be recoverable from the gratuity.

3033. Gratuities for Non-Commissioned Aircrew. *Sponsor: SPP(Pens)*

(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 **AFPS 75 Pension Codes**, 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 **AFPS 75 Pension Codes** 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.

Sponsor: SPP(Pens)

(1) This subparagraph applies where an airman's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, an airman who is invalided with less than 2 years' qualifying service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service, may be paid either:

(a) where the degree of disability assessed on invaliding (as defined in paragraph 3023(1A)) is 20% or more, an attributable gratuity at the rates shown in **AFPS 75 Pension Codes**; or

(b) where the degree of disability assessed on invaliding (as defined in paragraph 3023(1A)) is between 1 and 19%, 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 Retired Pay for the rank, but not less than 13.75% of the 37 year rate of Service Pension.

(2) This subparagraph applies where an airman's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, an airman who has less than 2 years' qualifying service and who is invalided from service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service for the purposes of the Service Pensions Order, and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be paid either:

(a) where the degree of disability assessed on invaliding (as defined in paragraph 3023(1A)) is 20% or more, an attributable gratuity at the rates shown in **AFPS 75 Pension Codes** ; or

(b) where the degree of disability assessed on invaliding (as defined in paragraph 3023(1A)) is between 1 and 19%, 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 Retired Pay for the rank, but not less than 13.75% of the 37 year rate of Service Retired Pay.

(3) For the avoidance of doubt, an airman is not entitled to an attributable invaliding gratuity under this paragraph if he is entitled to the payment of benefits under the Armed Forces Compensation Scheme 2005 (established under s.1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32)) in respect of the same condition.

3035. Additional Attributable Gratuities.

Sponsor: SPP(Pens)

(1) This subparagraph applies where an airman's disability arises on or before 31st March 2004. Unless the Defence Council decide otherwise, an airman who is invalided from service as the result of a disability which is accepted by the Veterans Agency as attributable to or aggravated by service, and where the degree of disability assessed on invaliding (as defined in 3023 (1A)) is 20% or more, may be granted an Additional Attributable Gratuity at the rates set out in . This shall be in addition to any award of **AFPS 75 Pension Codes** terminal grant of invaliding gratuity for which he may be entitled. In cases where the Defence Council decide, the award and amount of the Additional Attributable Gratuity shall be at their discretion.

(2) This subparagraph applies where an airman's disability arises on or after 1st April 2004. Unless the Defence Council decide otherwise, an airman who is invalided from service as the result of a disability for which he is entitled to the payment of a war disablement pension under Article 10 of the Service Pensions Order, by virtue of the degree of disability (as defined in 3023(1A)) assessed as at the date of invaliding being 20% or more, and which is accepted by the Defence Council, on a balance of probabilities, as attributable to or significantly aggravated by service, may be granted an Additional Attributable Gratuity at the rates set out in **AFPS 75 Pension Codes**. This shall be in addition to any award of terminal grant or invaliding gratuity to which he may be entitled. In cases where the Defence Council decide, the award and amount of the Additional Attributable Gratuity shall be at their discretion.

(3) For the avoidance of doubt, an airman is not entitled to an additional attributable gratuity under this paragraph if he is entitled to the payment of benefits under the Armed Forces Compensation Scheme 2005 (established under s.1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32)) in respect of the same condition.

3036. Optants out of the AFPS.

Sponsor: SPP(Pens)

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.

Sponsor: SPP(Pens)

Details of special capital payments which may be awarded to airmen discharged as redundant are given in Chapter 44.

3038-3042. *(Omitted)*

SECTION 3 - REGULAR AIRMEN CONTINUING IN SERVICE DURING A FUTURE EMERGENCY

3043. Applicability of Regulations.

Sponsor: SPP(Pens)

(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 4 - PENSIONS, ANNUITIES AND AWARDS FOR GALLANT CONDUCT AND LONG SERVICE

3044. Victoria Cross and George Cross Special Pensions.

Sponsor: SPP(Pens)

(1) An airman who has been awarded the Victoria Cross or George Cross will be granted a special annuity of £1,300 per 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. Victoria Cross and George Cross Gratuities.

Sponsor: SPP(Pens)

(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.

Sponsor: SPP(Pens)

An additional service pension of £ 1,300 a year 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. The amount of the award will be subject to periodic review.

3047. Other Gallantry Awards - Gratuities.

Sponsor: SPP(Pens)

(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

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.

Sponsor: SPP(Pens)

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.

Sponsor: SPP(Pens)

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.

Sponsor: SPP(Pens)

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 5 - YEOMAN WARDER'S REWARDS

3058.

Sponsor: SPP(Pens)

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 43.

SECTION 6 - ATTRIBUTABLE BENEFITS FOR MEMBERS OF A RESERVE FORCE

3059.

Sponsor: SPP(Pens)

Reservists who are members of a Reserve Force may be eligible for attributable benefits under the Reserve Forces (Attributable Benefits Etc) Regulations or the Armed Forces Compensation Scheme (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32)).

SECTION 6A – ATTRIBUTABLE BENEFITS FOR INDIVIDUALS WHO ARE RECALLED FOR REGULAR ACTIVE SERVICE

3059A. Eligibility.

Sponsor: SPP(Pens)

This section applies to an Air Force Pensioner who is recalled for a period of permanent service under Part VII of the Reserve Forces Act 1996 and is invalided from such service.

3059B. Degree of disability.

Sponsor: SPP(Pens)

In this section, a reference to a 'degree of disability' means the assessment of the degree of disablement made by the Veterans Agency in accordance with Article 9 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 in respect of the disability which directly resulted in the individual being invalided from service.

3059C. Conditions of Award. *Sponsor: SPP(Pens)*

(1) To qualify for an award under the provisions of this section:

(a) The individual must have been assessed by a Service medical board as permanently unfit for service on account of a disability which the Veterans Agency accept as being attributable to or aggravated by a period of recalled service and in respect of which the degree of disability is 20% or more; and

(b) have been awarded a war pension under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 in respect of that disability which takes effect from a date no later than the day following the end of the period of recalled service; and

(c) where the individual's disability arises on or after 1st April 2004, the Defence Council must accept, on a balance of probabilities, that the disability was attributable to or to a significant extent aggravated by the period of recalled service.

(2) The grant and the amount of any award of Service Attributable Pension or Attributable Gratuity shall be at the discretion of the Defence Council.

(3) For the avoidance of doubt, an airman is not entitled to service attributable pension or a service attributable gratuity under this section if he is entitled to the payment of benefit under the Armed Forces Compensation Scheme 2005 (established under s.1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32)) in respect of the same condition.

3059D. Service Attributable Pension. *Sponsor: SPP(Pens)*

(1) If the individual is no longer able to follow his civilian occupation as a result of the disability, unless the Defence Council decide otherwise, the Higher Rate of Service Attributable Pension may be awarded, according to rank for invaliding purposes and degree of disability, at the minimum rates set out in [AFPS 75 Pension Codes](#) . Such an award will be reduced by:

(a) any pension awarded under the Armed Forces Pension Scheme;

(b) any benefits under an occupational pension scheme, a retirement annuity scheme or personal pension scheme awarded as a result of termination of civilian employment on account of the disability which attributable benefits are payable; or

(c) from the date they come into payment, any preserved benefits under an occupational pension scheme, a retirement annuity scheme or personal pension scheme where, by reason of the disability, the benefits have become payable at an earlier date than would otherwise have been the case.

(2) The amount of civilian pension benefits which may be taken into account where the occupational pension scheme or personal pension scheme is one which pays a pension plus a lump sum of 3 times the annual rate of pension will be the amount of civilian pension awarded. In other cases the amount of civilian pension awarded will be adjusted before being taken into account to the rate it would be, were the civilian pension scheme one which paid a lump sum equal to 3 times the annual rate of pension.

(3) If the individual is able to follow his civilian occupation, unless the Defence Council decide otherwise, the Lower Rate of Service Attributable Pension may be awarded, according to degree of disability but irrespective of rank, as set out in [AFPS 75 Pension Codes](#).

(4) Where an individual is granted either the higher or lower rate of Service Attributable Pension under subparagraph (1) or (3) of this paragraph, the award will be adjusted upwards or downwards (but not below the rate of Service Invaliding Pension to which he may otherwise be eligible under any other section) during the first 12 months following invaliding, 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. Where the Service Attributable Pension is to be adjusted, the new rate will be paid from the day following the adjustment to the degree of disability, and will be the rate appropriate to the new degree of disability according to the pension code in force on the date the individual was

invalidated, increased as appropriate by any applicable 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 Pension or Service Invaliding Pension may continue where the officer is eligible.

(5) Where the individual is in receipt of a civilian occupational pension which is taken into account in reducing the amount of his Service Attributable Pension, the increases due under pensions increase measures will be applied to the gross amount of the Service Attributable Pension before deduction of the civilian occupational pension. The current rate of civilian pension, including any annuitised lump sum, plus any increase given by the Department for Work and Pensions on any Guaranteed Minimum Pension element of the civilian pension, will then be deducted from the rates of Service Attributable Pension as increased by pension increase measures. Where, however, the civilian pension is a pension increasable under Section 59 of the Social Security Pensions Act 1975, pension increase measures will be applied only to the net amount of SAP in payment unless an annuitised lump sum has featured in the calculation.

(6) An award under the provisions of paragraphs **3059D**(1) or (3) may not be commuted.

3059E. Service Attributable Gratuities. *Sponsor: SPP(Pens)*

(1) An individual who is awarded the higher rate of Service Attributable Pension under paragraph **3059D**(1) may be awarded the higher rate of attributable gratuity if the degree of disability assessed on invaliding is 20% or more at the rates set out in **AFPS 75 Pension Codes** .

(2) An individual who is awarded the lower rate of Service Attributable Pension under paragraph **3059D**(3) may be awarded the lower rate of attributable gratuity if the degree of disability assessed on invaliding is 20% or more at the rates set out in **AFPS 75 Pension Codes**.

3059F. Abatement of awards under 3059D. *Sponsor: SPP(Pens)*

(1) An award under the provisions of paragraph **3059D**(1) or **3059D**(3) may be abated to take account of any compensation received by the individual in respect of the disability which led to the attributable invaliding following a period of recalled service.

(2) If the disability was due wholly or in part to the individual's own negligence, misconduct or to any other cause within his own control, the award and amount of any Service Attributable Pension under paras **3059D**(1) or (3) shall be at the discretion of the Defence Council.

(3) If an award of unemployability supplement is made by the Veterans Agency under Article 18 of the Naval, Military and Air Force Etc. (Disablement and Death) Service Pensions Order 1983 to an individual during the first 12 months following his invaliding, any award of Service Attributable Pension at the minimum rate will be abated by the amount of the supplement but not below the rate of Service Invaliding or Standard Pension to which the individual may otherwise be eligible.

SECTION 7 - CRIMINAL INJURIES COMPENSATION (OVERSEAS)

3060. *Sponsor: SPP(Pens)*

(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) Application forms should be submitted to OC P1 at the applicant's unit. OC P1 should forward the application form together with supporting evidence to Service Personnel Policy Pensions 3, Level 7, Zone J, Main Building, Whitehall, London, SW1A 2HB.

(3) AP 3392, Vol 4, Lflt 1910 provides additional information and an application form.

SECTION 8 – CLOSURE OF PENSION ARRANGEMENTS AND APPLICATION TO SERVICE ON OR AFTER 6TH APRIL 2005

3060A. *Sponsor:SPP(Pens)*

Subject to paragraph 3060D, the pension arrangements set out in this chapter apply to airmen whose service ends before 6th April 2005 and who did not opt out of the arrangements, or who are in service on 6th April 2005 and who have not opted out of the arrangements (whether to transfer to the arrangements set out in the Armed Forces Pension Scheme established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004 or otherwise).

3060B. *Sponsor:SPP(Pens)*

The pension arrangements set out in these chapters are closed to-

- (a) airmen whose service in the RAF begins on or after 6th April 2005, or, subject to paragraph 3015C, whose service given as a result of re-enlisting begins on or after 6th April 2005;
- (b) airmen who have previously opted out of the scheme, or who opt out of the scheme on or after 6th April 2005 (whether to transfer to the arrangements set out in the Armed Forces Pension Scheme established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004 or otherwise).

3060C. *Sponsor:SPP(Pens)*

Paragraph 3060B(a) does not apply to an airman who is recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996, and such service will be dealt with in accordance with section 2 of Chapter 46.

3060D. *Sponsor:SPP(Pens)*

Paragraph 3060B does not apply to an airman who is recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996 after 6th April 2005 and who dies during that service, and paragraph 3101(3A) will apply to that officer regardless of the application of these arrangements to him or his membership of the Armed Forces Pension Scheme (established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004).

3060E. *Sponsor:SPP(Pens)*

The general rules set out in paragraphs 3060A and 3060B on the application of the pension arrangements do not apply to paragraph 3020, the provisions relating to service attributable pension in Section 1, the provisions relating to attributable invaliding gratuities and additional attributable gratuities in Section 2, Section 4 (pensions and gratuities for gallant conduct and good service), section 5 (yeoman warders' rewards) and section 7 (criminal injuries compensation (overseas)).