



# Ministry of Defence

Ministry of Defence  
Main Building  
Whitehall  
London SW1A 2HB  
United Kingdom

Telephone : +44 (0)20 721 89000

Our Reference: [REDACTED]

[REDACTED]

[REDACTED]

9 October 2015

Dear [REDACTED],

Thank you for your letter to the Ministry of Defence (MOD) dated 8 September 2015 in which you requested the following information:

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.

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 not hold information within the scope of your request. We were unable to identify any recorded information which confirms the authority for the exclusion of condoned service from the calculation of reckonable service on transfer to the Armed Forces Pension Scheme 1975 ( AFPS75 ).

Although not in scope of your request, under Section 16 of the Freedom of Information Act (FOI) 2000, we are providing a set of minutes from an early working group in May 2006 which refers to the treatment of condoned service during the Gurkha Offer to Transfer (GOTT).

We have not been able to identify any other reference to the issue except for the Retired Member GOTT booklet (also attached) which sets out the terms and conditions of the offer to help members to decide if they wanted to transfer to the AFPS75. Page 11 of the booklet includes definitions of relevant terms and confirms that condoned service is not reckonable service. Retired Gurkhas were therefore aware that condoned service would not be counted as reckonable service when they opted to transfer to AFPS75.

It may also be helpful if I explain that condoned service gave some Gurkhas in the Gurkha Pension Scheme (GPS) additional service that allowed them to reach the 15 year pension point (or next relevant point) so they could receive a pension (or the next increment) without actually having served the time. Some Gurkhas therefore received a GPS pension when they otherwise wouldn't have and others got an extra increment.

On transfer to the AFPS 75 condoned service was treated as qualifying service - service that counts towards the immediate pension point in AFPS - but was not reckonable for assessing the rate at which that pension would be paid.

As requested, an electronic copy of the Army Pensions Warrant 1977 Amendment 40 Change 3 referred to in our response dated 3 September 2015 is attached.

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