



# Armed Forces Pension Scheme Pension Savings Tax Booklet

AFPS Members' Guide to Pension Savings Tax  
Annual Allowance (AA)  
2015 Pension Remedy Retrospective Adjustment

## CONTENTS

INTRODUCTION .....	1
DISCLAIMER.....	1
2015 PENSION REMEDY AND TAX YEAR 2022/23.....	3
THE 2015 PENSION REMEDY AND ANNUAL ALLOWANCE .....	3
RETROSPECTIVE ANNUAL ALLOWANCE CALCULATIONS POST 2015 REMEDY.....	3
IMMEDIATE CHOICE .....	3
DEFERRED CHOICE .....	4
LEGACY SCHEME PIA.....	6
2015 PENSION REMEDY IN AND OUT OF SCOPE TAX YEARS.....	6
ANNUAL ALLOWANCE FOR TAX YEAR 2022/2023 .....	6
USING THE PUBLIC SERVICE PENSION ADJUSTMENT SERVICE .....	7
PUBLIC SERVICE PENSION ADJUSTMENT SERVICE – POST SUBMISSION.....	9
PUBLIC SERVICE PENSION ADJUSTMENT SERVICE – SCHEME PAYS DECLARATION .....	11
PUBLIC SERVICE PENSION ADJUSTMENT SERVICE – THIRD PARTY SUPPORT AND COST CLAIM .....	13
ANNUAL ALLOWANCE TAX CHARGE PAID IN THE REMEDY PERIOD .....	13
PRIOR USE OF SCHEME PAYS .....	13
DELAYS IN ISSUING REMEDY PENSION SAVINGS STATEMENTS AND TAX ADJUSTMENT TOOL DEADLINES .....	14
POINT OF CONTACT DETAILS: .....	14

## Introduction

1. The Armed Forces Pension Schemes (AFPS) are registered pension schemes and provide tax privileged savings. Tax incentives are provided to encourage pension saving but there is a cost of providing this tax incentive so the Government places restrictions on the amount of pension saving that is tax privileged.
2. This booklet covers the implementation of the 2015 Pension Remedy and how it has impacted tax legislation, which means members could be affected by any of the following:
  - Exceed the Annual Allowance for TY 2022/23 and the Pension Savings Statement was deferred from October 2023.
  - Have paid an annual allowance tax charge at any time between 6 April 2015 and 5 April 2022 and therefore a tax adjustment may be required either because of roll back or, if in receipt of pension prior to 1 October 2023, the remedy choice.

## Disclaimer

3. This booklet is provided as an illustrative guide only. Tax is your personal responsibility. The AFPS cannot assist you with any tax liability calculations. You may wish to seek the services of a tax adviser if you are concerned about how the annual allowance may affect your AFPS pension benefits or any other pension benefits you may have in a pension scheme outside the AFPS. The FAQ section at the end of this booklet contains details of where further information can be found in relation to the topics covered in this guide.



## 2015 Pension Remedy and Tax Year 2022/23

### The 2015 Pension Remedy and Annual Allowance

1. Individuals that are eligible for the 2015 Pension Remedy and were rolled back to their legacy scheme may see their pension tax position for one or more of the years in the remedy period (1 April 2015 to 31 March 2022) affected. This is particularly the case if an AA tax charge was paid during this period. You can read more about the 2015 Pension Remedy and roll back in the [Your 2015 Pension Remedy Scheme Explained](#) Booklet available on the AFPS webpage on gov.uk.
2. The implementation date of the 2015 pension remedy also resulted in HMRC deferring the issue of PSSs for TY 2022/23 for those eligible for remedy and who were rolled back into their relevant legacy scheme. Because of this, TY 2022/23 has been incorporated into a new HMRC public service pension adjustment service.
3. The public service pension adjustment service is designed to work out any refunds or compensation due or new or reduced annual allowance charges to be paid for the remedy period and to report any pension savings tax information for TY 2022/23. It has been developed to ensure there is no requirement to re-open self-assessment tax returns for TYs 2015/16 to 2022/23 to report pension savings tax adjustments.

### Retrospective Annual Allowance Calculations post 2015 Remedy

4. Adjustment of the tax position and how an individual is affected is defined by the position they were originally in during the remedy period and their pensioner status on 30 Sep 23. Members were either protected or unprotected for the remedy period and either a pensioner member (taking benefits and therefore have an immediate choice) or an active or deferred member (not taking benefits and therefore have a deferred choice) on 30 Sep 23. This is set out in the table below:

Transition to or a member of AFPS 15 prior to 1 Apr 22	First transitioned to AFPS 15 on 1 Apr 22	Not started to take any pension benefit or EDP on 1 Oct 23	Started to take a pension benefit or EDP prior to 1 Oct 23
Unprotected	Protected	Deferred Choice	Immediate Choice

### Immediate Choice

5. An immediate choice member cannot adjust their tax position until **after** they have made a remedy choice. This applies whether they are protected or unprotected. Once they have made their remedy choice they will, if required, be provided with a remediable PSS within six months of making this choice, or within six months following the end of their election period, whichever is the earlier.
6. How a remedy choice will apply to an immediate choice member's tax position is outlined below;

Status and Remedy Choice	Annual Allowance Calculation
Protected Member elects for legacy benefits	There will be no change to the tax position, and no further information is required. Existing Scheme Pays debits will stay the same.
Protected Member elects for AFPS 15 benefits	There will be no change to the tax position for the remedy period. If the AFPS 15 Pension Input Amount (PIA) is higher than the legacy scheme this will be ignored. If in the year of retirement, the AFPS 15 pension input amount is lower, this lower value will be used, and an adjustment may be required. A PSS will be provided if required. See example at para 14.
Unprotected Member elects for legacy benefits.	This will change the tax position. PIAs for the remedy period will be re-calculated on legacy benefits and the revised PIAs will need to be entered into the adjustment tool. A remedy PSS will be provided to use the adjustment tool.
Unprotected Member elects for AFPS 15 benefits.	There will be no change to the tax position. However, compensation may be payable if the PIAs for the remedy period are lower in the legacy scheme. Information will be provided to allow use of the adjustment tool to assess any compensation that may be due.

### Deferred Choice

7. All unprotected deferred choice members were rolled back to their relevant legacy scheme on 1 October 2023, as such their PIAs for the remedy period will be based on their legacy scheme. This will not change when they subsequently make a remedy choice. These members will be sent the information they require to adjust their tax position from October 2024 (but see para 38). This also applies for Protected members who have a deferred choice and subsequently choose AFPS15 benefits, there will be no change to the tax position for the remedy period because PIAs remain in their legacy scheme.

8. If in the intervening period (i.e. between 1 October 2023 and receipt of a Remedy PSS) a deferred choice member starts to draw pension or EDP benefits, their remedy choice will also not affect how the AA is treated for the remedy period. They will also not risk facing any additional AA tax charge directly because of their remedy choice, however, until they have completed the public service pension adjustment tool any Scheme Pays debits that apply will remain based on their pre rollback position. Deferred choice members leaving service in this position will be provided with a Remediable Service Statement (RSS) which shows entitled pension benefits in both legacy and AFPS 15 schemes without any Scheme Pays debits applied. This allows a fair comparison of pension entitlement under both schemes.

9. As a protected deferred choice member remained in the legacy scheme for the remedy period, a retrospective adjustment of the tax position is not required.

10. For all deferred choice members, the PIA for the remedy period will be based on the relevant legacy position. If, when making a subsequent remedy election, a member chooses AFPS 15 benefits, it will not alter the tax position for the remedy period but in the tax year those benefits are taken (the retirement year), the pension opening value will be calculated using legacy

benefits. The closing value will be the lower of the value of the legacy scheme rights and AFPS 15 scheme rights, if this exceeds the AA (currently £60,000) a PSS would be issued for that tax year.

11. An example of how this would work is outlined below.

A pension input amount (PIA) is calculated as explained in part one of this guide, but briefly summarised below;

Amount of pension built up at start of tax year (6 April) x 16 + lump sum + CPI  
 Amount of pension built up at the end of the tax year (5 April) x 16 + lump sum

The PIA is the difference between the opening and the closing value.

This calculation is done for each scheme you have benefits in, and the totals are added together. A negative amount in the legacy scheme will be offset against positive value in the AFPS 15 scheme.

As a result of remedy, these calculations are based on your pension accrual being in the legacy scheme up to 31 March 2022 and in the AFPS 15 scheme from 1 April 2022. This will continue until you leave service.

12. On leaving the service the following will occur:

Assume a member leaves service on 1 September 2025.

The opening value will be based on accrued pension entitlement built up to 6 April 2025. This will be based on being in legacy scheme up to 31 March 2022 and in AFPS 15 from 1 April 2022.

The closing value will be the accrued pension entitlement built up to 1 Sep 25 (the date of exit). This will be based on being in legacy scheme up to 31 March 2022 and in AFPS 15 from 1 April 2022.

If a choice for legacy benefits is made the difference between the closing value on 1 September 2025 and opening value on 6 April 2025 will be assessed and if this exceeds the AA limit in force at the time you will be issued a PSS and may be liable to a tax charge.

If a choice of AFPS 15 benefits is made the opening value will be calculated in exactly the same way; pension entitlement built up to 6 April 2025 based on being in the legacy scheme up to 31 March 2022 and in AFPS 15 from 1 April 2022.

Two closing values will then be calculated:

One for accrued pension entitlement built up to 1 September 2025. This will be based on you being in legacy scheme up to 31 March 2022 and in AFPS 15 from 1 April 2022.

One for accrued pension entitlement built up to 1 September 2025. This will be based on you being in legacy scheme up to 31 March 2015 and AFPS 15 from 1 April 2015.

The lower of those two closing calculations will be assessed against the opening value. If the difference on the lower value exceeds the annual allowance amount in force at the time, then you would be issued a PSS and may be liable to a tax charge.

**The principle of this approach means that no additional tax liability will be generated for electing for reformed scheme benefits.**

### Legacy Scheme PIA

13. While it is not guaranteed, the difference between legacy and AFPS 15 schemes means it is more likely than not that the legacy scheme will generate a lower PIA. This is because:

- AFPS 15 has a higher accrual rate at 1/47th this compares to 1/70th in the AFPS 05 scheme and approx. 1/60th in AFPS 75 (though this scheme does not accrue in a uniform manner)
- AFPS 15 is revalued each year in line with average wage earnings index, this has regularly tracked higher than CPI. AFPS 15 accrual also increases in line with the pay award.
- Legacy schemes increase in line with the pay award only, they are not revalued in service.
- The armed forces pay award was suppressed for most of the remedy period.
- Pay changes and promotion reflect immediately in AFPS 15 accrual (including incremental progression), whereas there is a lag effect in legacy schemes based on how those schemes operate which is why promotion spikes occur.

### 2015 Pension Remedy In and Out of Scope Tax Years

14. For AA purposes, the remedy period is broken down into two periods. The first is out-of-scope tax years, which covers the TY 2015/16 up to and including the TY 2018/19. Any underpayment of pension savings tax in this period will not be collected, any overpayment will be reimbursed either through direct or indirect compensation from the pension scheme. You will not need to contact the scheme or HMRC.

15. The second is in-scope tax years, which cover TY 2019/20 to 2021/22. During this period, any underpaid tax, following adjustment, will be required to be paid either through Scheme Pays or direct to HMRC. Any overpaid tax will be repaid through the same method it was originally paid, either direct from HMRC or via an adjustment to Scheme Pays.

16. Members will not be required to report or amend any pension savings tax for TY 2015/16 to 2021/22 through self-assessment. Instead, they will be required to provide information to HMRC and the Scheme Administrator, in a separate format. This revised tax administration framework allows for the self-assessment system to operate as normal for affected members for all other tax purposes and will not impact self-assessment for TY 2023/24.

### Annual Allowance for Tax Year 2022/2023

17. For TY 2022/23, HMRC instructed schemes to delay the issuing of PSSs for unprotected deferred choice members who exceeded the AA until October 2024. This was to ensure that the PIA for TY 2022/23 was correctly calculated based on pension benefits being in the rollback, i.e. legacy, position.

18. This means if an unprotected deferred choice member exceeded the AA in TY 2022/23, which is at the £40,000 limit, a PSS will be issued from October 2024 (but see Para 38).

19. HMRC also confirmed that unprotected deferred choice members will not need to report any AA charges for TY 2022/23 via self-assessment. Instead, they would declare any charge via the public service pension adjustment service. Protected deferred choice members were issued a PSS in the normal manner and should have reported any AA tax charge via self-assessment.

20. If you are an unprotected deferred choice member and have exceeded the AA in TY 2022/23 you will be provided the information in a Remedy PSS and will be required to follow the instructions to use the public service pension adjustment service.

### Using the Public Service Pension Adjustment Service

21. The Public Service Pension Adjustment Tool, which can be found at this website <https://www.gov.uk/guidance/calculate-your-public-service-pension-adjustment>, will enable members who have new AA charges, or changes to AA charges because of the 2015 Pension remedy to:

- Reassess any AA charges incurred during the remedy period.
- Apply for a refund of any previously overpaid AA charges for TYs 2019/20, 2020/21 and 2021/22.
- Apply for compensation for any previously overpaid AA charges for TYs 2015/16 to 2018/19.
- Report and pay any underpaid AA charge for TYs 2019/20, 2020/21 and 2021/22.
- Report and pay an AA charge for TY 2022/23.

The adjustment tool will also apply to other tax charges such as lifetime allowance charges, see the Lifetime Allowance booklet.

22. To use the public service pension adjustment tool, you will require:

- Your total income for each TY from 2015/16 to 2022/23, or up to the date of leaving the scheme. Your adjusted and threshold incomes will be shown on your Remedy PSS, any other income information will have to come from your own records.
- The amount of your personal allowance for each TY from 2015/16 to 2022/23. You can find this on your personal tax account, the HMRC app or the SA302 on your self-assessment account. If you were a Scottish taxpayer for any tax year from 6 April 2016 onwards, you will need to know the applicable tax years.
- The name and pension scheme tax reference, of any public service pension schemes you were a member of during the period 2015/16 to 2022/23. For AFPS this is provided at Para 37 in Part 1 or at Q3 in the FAQ.
- The name and pension scheme tax reference, of any other pension schemes you were a member of during the period 2015/16 to 2022/23. This means any scheme other than your Armed Forces Scheme.
- Details of any membership of a defined contributions pension scheme, and whether you have flexibly accessed this pension and the date you first flexibly accessed.
- Details of any annual allowance tax charges that occurred between 6 April 2014 and 5 April 2015. If you did not pay an annual allowance tax charge between 6 April 2014 and 5 April

2015, you will need to provide details on whether you were a member of a registered pension scheme and what your PIAs were for TYs 2010/11 to 2014/15. You will be able to find this information for your Armed Forces Scheme on your Remedy PSS.

- Full details of your revised PIAs for your public service pension schemes for TY 2015/16 to 2022/23. You will be able to find this information for your Armed Forces scheme on your Remedy PSS
- Full details of your PIA for any non-public service pension schemes you may have been a member of for TY 2015/16 to 2022/23. If applicable, then you will need to obtain this information from the relevant pension provider. It cannot be provided by the AFPS.
- If you are a member of any non-public service pension schemes, then you will need the total amount contributed to a relief at source scheme for TYs 2015/16 to 2022/23. Relief at Source are contributions that relate solely to pension savings that were paid before tax relief was given. For example, this could be because your pension scheme was not set up for automatic relief or if someone else paid into your pension. If you have done a self-assessment tax return you will have entered this figure on there. If you have not completed a self-assessment tax return you will need to contact your non-public service pension scheme. This will not apply to you if you only have an AFPS pension.
- If you paid an AA tax charge during TYs 2015/16 to 2021/22 you will need to declare the amount you paid and how you paid it, either directly or via Scheme Pays. If you have used Scheme Pays you will find details of the tax paid via this method on your Remedy PSS. If you paid direct to HMRC you will need to obtain this information from your self-assessment tax returns.
- Details of any blind persons allowance you received from 5 April 2015 to 6 April 2023.
- The total amounts of all donations to charity on which you claimed gift aid. This does not include any charitable donations you make direct from your armed forces salary.
- Details of any tax relief you have received for payments to trade unions or police organisations for each tax year from 5 April 2015 to 6 April 2023. Not likely to apply to members of the AFPS.
- Any additional income tax relief you claimed e.g. uniform tax relief. This does not apply to any uniform tax relief you receive through salary.

If you do not have any of the information above from either your Remedy PSS or what have been included on your self-assessment tax return, you can view this on your personal tax account for the previous 4 tax years. If you cannot access this information, you can request this by contacting [publicservicepensionsremedy@hmrc.gov.uk](mailto:publicservicepensionsremedy@hmrc.gov.uk)

Further information is provided on the landing page of the adjustment service and in the available [HMRC Guide](#) and your Remedy PSS.

23. The adjustment services requires you to sign in using your government gateway user ID and password,, it is possible to use the tool without signing in, but you will not be able to save progress or submit any information to HMRC if you are not signed in. As highlighted, you will be asked for a significant amount of information, therefore it will take time to complete so you should be prepared for this.

24. The first section of the tool will ask a series of questions to see if you need to use the service. This section is relatively straightforward. Once answered and you have reached the 'check your answers' page, select continue to confirm your use of the tool.

25. Once you have completed the tool, if you are signed in and the calculation results page says you have overpaid an AA charge, you would need to input your bank details if you paid the original charge directly to HMRC from TY 2019/20 to TY 2021/22, and HMRC will refund you that amount. If you used Scheme Pays and did not pay the charge direct to HMRC, there is nothing else you need to do. HMRC will automatically update DBS who will contact you to confirm that your Scheme Pays arrangement has been adjusted. It is not possible at this stage to determine the timeframe for this.

26. If the overpaid charge was for TYs 2015/16 to 2018/19 HMRC will automatically update DBS who will contact you, again it is not possible to determine a timeframe for this.

If the calculation results indicate you have an AA charge to pay, this could only be for a TY from 2019/20 to 2022/23. The tool will ask you how you want to pay the charge. If you want to pay the charge yourself, HMRC will explain how to do this. If you want to use Scheme Pays you do not need to do anything else, you will indicate this in the tool by answering no to the question "Have you asked your pension scheme to pay the tax charge?" and not entering a date when further prompted by the question "When did you asked your pension scheme to pay?". You should then see the Scheme Pays elections consent screen and follow the instructions presented. HMRC will then automatically update DBS of your decision. The scheme will pay the charge and contact you to confirm your Scheme Pays arrangement has been updated (though see Para 37).

27. If before committing to use Scheme Pays you wish to receive a quote, or a 3<sup>rd</sup> party is completing the tool on your behalf you will need to use the process outlined in Part 1 to use Scheme Pays.

28. Should you have income or pension accrual from sources other than the Armed Forces, this information will also be required for the period 6 April 2015 to 5 April 2023.

### Public Service Pension Adjustment Service – Post Submission

29. Once you have used the Calculate Your Public Service Pension Adjustment (www) tool, DBS will, on receipt of information, issue you a letter about the result of your claim.

30. Important points to note:

- Letters will be sent to the address recorded in JPA/held on file.
- You may receive more than one letter; this is because different parts of your claim may be processed at different times
- The scheme cannot process any adjustments until HMRC has notified them of the necessary information

31. There are several different types of adjustments, this depends on how and when you paid any Annual Allowance (AA) tax charges during the remedy period, your letter may include notifications about one or more of the following:

- Direct Compensation (Tax Years 2015/16 – 2018/19)
  - No extra tax is due.

- If you paid an AA tax charge directly to HMRC, you may get a full or partial refund (plus repayment interest – see HMRC rates [here](#)).
- Indirect Compensation: Scheme Pays Adjustments (Tax Years 2015/16 – 2018/19)
  - No extra tax is due.
  - If you used Scheme Pays (where the pension scheme paid the tax for you), the existing scheme pays debit on your pension may be reduced or removed.
  - No interest is paid on these adjustments (but if you have a pension in payment interest will apply to any pension arrears).
- Scheme Pays Adjustments (Tax Years 2019/20 – 2021/22)
  - If your AA tax charge for these years is reduced or removed, your Scheme Pays debit will be adjusted accordingly.
- New Scheme Pays Elections (Tax Years 2019/20 – 2022/23)
  - If there is a new AA tax charge for these years, new Scheme Pays debits will be applied to your pension.

32. If you paid a late payment interest charge to HMRC because of an overdue AA charge, this may also be compensated (but no extra interest will be added). For a compensation payment to be made, the member needs to raise the issue directly with HMRC. HMRC will then assess the value of any compensation and authorise the scheme to make the payment. The scheme cannot make any payment until they receive this authorisation from HMRC.

33. What You Need to Do:

- Check your address details in JPA or those held by DBS are correct.
- No further action is required and you will not need to chase DBS for your letter.

34. On receipt of your adjustment letter, it will include all the details of any changes or payments. Points to note about the contents of the letter.

#### **Pension not in payment**

- If the pension is not in payment and the lump sum has not already been paid, the post-Remedy adjusted Scheme Pays debits shown in the Remedy Adjustment Claim notification letter are the initial age 65 debit values calculated using the default pension and lump sum conversion factors, this the same process used in providing scheme pays quotes/values while serving .

- When pension benefits become payable, the initial age 65 debit values are then revalued using adjustment factors for the member's age at date of retirement. Adjustment factors are available at the [GAD Factor Guidance Hub](#).

### **Pension in Payment**

- Where the pension (not EDP) is in payment, the age 65 pension debit value is actuarially revalued to the member's age at date of retirement, and it will be the actuarially revalued pension debit amount (not the initial age 65 value) that will be shown in the Remedy Adjustment Claim notification letter.
- Consequently, the post-Remedy adjusted debit must be calculated, revalued and applied as a pension-only debit to the member's legacy scheme (owing to Rollback, and the fact that the lump sum (less any pre-remedy scheme pays debit) has already been paid.
- Arrears of pension due will then be re-paid by Equiniti following the issue of a revised award letter and the Remedy Adjustment Claim notification letter. Similarly, If the alteration of the scheme pays debit results in an overpayment, Equiniti will contact the member to arrange repayment.
- Concurrently as the pension award is revised and paid, any original scheme pays debit applied to the lump sum debit is then refunded to the member separately by the Scheme.

35. Members should also be aware that the revised post-Remedy legacy scheme only debit amounts (whether in payment or not) can increase when compared to the original pre-Remedy AFPS15 and legacy scheme debits. This is because:

- When re-calculating the debits as part of the Remedy Adjustment Claim process, all of the (revised) amount can now only be attributed to the legacy scheme, this is owing to rollback and the basis on which the member's tax adjustment occurred.
- The effect of this means the remedy adjusted debit can no longer be apportioned between AFPS15 and the member's legacy scheme as the adjusted debit only applies to the legacy scheme. Note for scheme pays debits related to tax years 22/23 onwards debits will be apportioned between AFPS 15 and the legacy scheme.
- This may give the illusion of an increased debit, as for many with only legacy scheme benefits in payment, the AFPS15 debit elements (which for some may have been proportionately higher than the legacy debit) had not yet taken effect because in general the AFPS 15 pension was not in payment.

### **Public Service Pension Adjustment Service – Scheme Pays Declaration**

36. When using the Remedy Adjustment a declaration can be made to notify HMRC that you wish to use Scheme Pays to pay a new AA tax charge for TY 2022-23 (or any other year) without having to separately notify the AFPS of their decision to use Scheme pays (as per Para 27).

37. It has been identified that where new debit charges arise and the member wishes to elect for Scheme Pays, the member must answer the following questions;

- Have you asked your pension scheme to pay the tax charge?
- When did you asked your pension scheme to pay?

38. If the member does **not** enter a date but provides consent for HMRC to share the information with the scheme, the details are sent to the scheme via a CSV file. If the member **does** enter a date, this confirms that they have already completed their Scheme Pays election directly with the scheme and have not given their consent for HMRC to pass the information to the scheme. Most members – including those affected by Rollback due to Remedy - should answer no to the first question and should NOT enter a date here when prompted to ensure that the Scheme Pays elections consent screen is presented.

39. Where an election date was completed, the scheme pays process is incomplete and reminder letters are being issued by HMRC to members who elected for Scheme Pays in their submission but no payment has been made.

40. The implication of this is that where members using the HMRC Remedy Adjustment Tool answered yes instead of no to the first question and/or then entered a date when prompted, the Scheme Pays election consent screen is not presented to them. The unintended consequence is that their Scheme Pays election has not been passed to the AFPS Tax Team via the SDES process.

41. If you receive a letter from HMRC about non payment of a tax charge or you have received an adjustment letter from the scheme and know you had an additional tax charge, and it is not reflected in either the adjustment letter or by way of separate notification then you should revert to the business as usual process and complete and return the Scheme Pays decision form (AFPS Form 17).

42. A new digital version of AFPS Form 17 is now available at the DBS Forms page on DefNet at this link <https://modgovuk.sharepoint.com/sites/IntranetDBS/SitePages/jpa-digital-forms.aspx#afps-forms>



44. If you are unable to access the digital version of AFPS Form 17 you should complete and submit the offline version of the digital AFPS Form 17. You should only submit the offline version if you are sure that you cannot access the digital version.

45. The offline AFPS Form 17 is available from the AFPS Forms page at the following link <http://www.gov.uk/guidance/veterans-uk-armed-forces-pensions-forms>



46. On receipt of your AFPS Form 17 the scheme will write to acknowledge your decision and this letter will confirm the arrangements that have been finalised if you have decided to use Scheme Pays. You will not be able to reverse your decision to use Scheme Pays once we have sent you this confirmation letter.

#### Public Service Pension Adjustment Service – Third Party Support and Cost Claim

47. If you are affected and you need professional support to use the adjustment service, you can submit a claim to DBS to recover any costs incurred for this support. Details are contained in the FAQ section at the end of this booklet and in your RPSS.

48. Most members who use the first section of the tool and are told that their tax position is not affected, are unlikely to need professional support. This means applications for costs for support will only be likely approved for those that have a tax adjustment, but all claims will be individually considered.

#### Annual Allowance Tax Charge Paid in the Remedy Period

49. DBS can only determine if you paid an AA tax charge if you have used Scheme Pays. Therefore, if you have used Scheme Pays at any point in the remedy period to settle a tax charge you will automatically be provided with revised PIAs for the entire remedy period.

50. If you have never used schemes pays and only ever settled an AA tax charge (because of your Armed Forces Pension) direct to HMRC during the period 6 April 2015 to 5 April 2022 you will need to inform DBS of this. Personnel who were issued a PSS during the remedy period (excluding TY 2022/23) but no record existed of Scheme Pays being used were written to in April 24 and asked to declare if they had paid an AA tax charge directly to HMRC. If you did not receive a letter but know you paid an AA tax charge (directly to HMRC and have never used Scheme Pays) because of AFPS membership, then you should contact DBS.

#### Prior Use of Scheme Pays

51. Some members during this process may identify that they thought Scheme Pays had been used but owing to the process outlined in Part 1 at Para 21 not being completed an AA tax charge remains unpaid. This may have occurred if DBS were not formally instructed to pay the charge (a submission of an Annex D is **not** a formal instruction to use Scheme Pays).

52. Where this occurs, members should first check their own tax records to verify that they do not have a Scheme Pays confirmation letter with the reference AFP15139L (noting a Scheme Pays quote with the reference AFP15137L is not a confirmation letter). If members have this AFP15139L confirmation letter, then they can be assured that the charge was paid. If they cannot verify through their own records (or via HMRC) that a charge has been paid, or they have been issued a late payment notice by HMRC, then they can contact the pension tax team via the AFPS Scheme Pays mailbox [AFPSSchemePays@dbspv.mod.uk](mailto:AFPSSchemePays@dbspv.mod.uk) to seek resolution. They will still be able to enter a voluntary Scheme Pays arrangement for the original tax charge.

53. The 2015 Pension Remedy will, however, mitigate some of the effects. Most members affected by AA tax charges, and therefore with a potential need to use Scheme Pays, were those

unprotected members who have been rolled back, as such their pension input amounts will change, which will adjust their tax liability. Consequently, they will be issued a Remedy PSS which will provide details of all of the payments the scheme has made on their behalf via Scheme Pays during the Remedy period. Members will input this information into the HMRC public service pension adjustment service, which will work out any tax overpayment/underpayments, and in subsequent processing these will be adjusted.

54. If a tax charge that has not been paid is identified during this process, then the tax owed will be based on the adjusted, and not the original amount. Late payment penalty and interest may still apply. Late payments can be appealed directly to HMRC. DBS will not be able to intervene on a members' behalf.

#### Delays in Issuing Remedy Pension Savings Statements and Tax Adjustment Tool Deadlines

55. The complexity of the pension remedy has meant there will be delays in issuing pension savings statements to some members. It is not possible to provide timelines to when the revised statements will be issued.

56. Delays to RPSSs will not result in any late payment notice to members as deadlines for those eligible for the 2015 Pension Remedy and using the public service pension adjustment tool to report any additional tax charges for tax years 2019/20 to 2022/23 are:

31 January 2025 or 3 months from receipt of information, whichever is the later for those who were in service on or after 1 October 2023.

31 January 2027 or 3 months from receipt of information, for those who left service on or before 30 September 2023.

Further details on reporting timelines for those required to make AA tax charge adjustments because of the 2015 Pension Remedy is available at <https://www.gov.uk/guidance/changes-in-your-annual-allowance-following-the-public-service-pensions-remedy>.

**Disclaimer:** *This is provided as a reference document only, it does not replace or supersede legislation or HMRC policy guidance, which in all cases would apply. It is also not to be taken as a recommendation to pursue (or not pursue) a particular course of action. The MOD or its employees are not qualified financial advisors and cannot accept any responsibility or liability for any tax liability arising from any act or omission made in respect to the contents of this reference material. This reference document cannot be relied upon in relation to an individual's own circumstances, they must always check relevant HMRC information. Individuals are reminded that they are responsible for their own tax liability, and it is their responsibility to understand and manage their finances. All personnel affected by the contents of this reference document are strongly advised to seek advice from their own Independent Financial Adviser or other professional adviser as appropriate.*

#### Point of contact details:

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