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STATUTORY INSTRUMENTS

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**2005 No. 438**

**The Armed Forces Pension Scheme Order 2005**

*Preliminary*

**Citation and commencement and interpretation**

1. This Order may be cited as the Armed Forces Pension Scheme Order 2005 and comes into force on 6th April 2005.

**Commencement Information**

**II** [Art. 1](#) in force at 6.4.2005, see [art. 1](#)

**Establishment of the Armed Forces Pension Scheme 2005**

2.—(1) The Scheme set out in Schedule 1 to this Order has effect and is to be known as “the Armed Forces Pension Scheme 2005”.

<sup>F1</sup>(2) .....

**Textual Amendments**

**F1** [Art. 2\(2\)](#) revoked (6.4.2006) by [The Armed Forces Pension Scheme etc. \(Amendment\) Order 2006 \(S.I. 2006/717\)](#), art. 1(2), [Sch.](#)

**Commencement Information**

**I2** [Art. 2](#) in force at 6.4.2005, see [art. 1](#)

**Amendments of the Armed Forces Pension Scheme 2005**

3.—(1) For the purposes of section 3(2) of the Armed Forces (Pensions and Compensation) Act 2004, so far as it applies to the Armed Forces Pension Scheme 2005, the consent requirements are as follows.

(2) The Secretary of State may not make a modification of the Scheme which would or might adversely affect any entitlement, accrued rights or pension credit rights of any member acquired before the power to modify the Scheme is exercised unless—

- (a) he has taken the steps specified in paragraphs (3) to (5) and obtained the written consent of the member, or
- (b) paragraph (6) applies.

(3) The Secretary of State must give written notice to the member that it is proposed to modify the Scheme in a manner which will or might adversely affect an entitlement, accrued rights or pension credit rights of the member that have been acquired before the modification is to take effect.

(4) The notice must—

- (a) set out the modifications proposed to be made which would or might adversely affect any such entitlement or rights, and
  - (b) contain an explanation of their effects.
- (5) The notice must contain a statement that the modifications will not affect any such entitlement or rights unless—
- (a) the member has consented in writing to the modifications, or
  - (b) paragraph (6) applies.
- (6) This paragraph applies if—
- (a) the Secretary of State has sent two copies of the notice to the member’s last known address, the second being sent at least 2 months after the first, and
  - (b) no response has been received from the member to either of the notices before the end of the period of one month beginning with the date on which the second was sent.
- (7) In this regulation “accrued rights”, “entitlement”, “member” and “pension credit rights” have the same meaning as in Part 1 of the Pensions Act 1995(1) (see section 124 of that Act).

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**Commencement Information**

**I3** [Art. 3](#) in force at 6.4.2005, see [art. 1](#)

**Amendments of other regulations**

4.—(1) Regulation 1(2) of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997(2) is amended as follows.

(2) At the end of the definition of “Armed Forces Pension Scheme” insert the words “or section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004”.

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**Commencement Information**

**I4** [Art. 4](#) in force at 6.4.2005, see [art. 1](#)

**[<sup>F2</sup>Closure of Scheme and transitional provision**

5.—(1) Schedule 2 (Transitional Provision) has effect.

(2) After 31st March 2015, the Scheme is closed to new members except where provided for in Schedule 2.]

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**Textual Amendments**

**F2** [Art. 5](#) inserted (1.4.2015) by [The Armed Forces \(Transitional Provisions\) Pensions Regulations 2015 \(S.I. 2015/568\)](#), regs. 1(2), **10**

**[<sup>F3</sup>Schedule 3: Remediable Service**

6. Schedule 3 (remediable service) makes provision in relation to remediable service.]

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(1) [1995 c. 26](#). The definition of “pension credit rights” in subsection (1) of section 124 and subsection (2A) of that section were inserted by paragraph 61 of Schedule 12 to the Welfare Reform and Pensions Act [1999 \(c. 30\)](#).

(2) [S.I.1997/785](#).

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**Textual Amendments**

**F3** Art. 6 inserted (1.10.2023) by [The Armed Forces Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/998\)](#), regs. 1(b), 7

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces Pension Scheme Order 2005, Cross Heading: Preliminary.