
YOUR PENSION SCHEME EXPLAINED



There are 2 Armed Forces pension schemes for members of the Regular Armed Forces. The first was introduced in April 1975 and was closed to new entrants from 6 April 2005. This is known as **AFPS 75**. On 6 April 2005 a new scheme was introduced for new entrants, known as the Armed Forces Pension Scheme 2005 (**AFPS 05**). Members of **AFPS 75** were given the opportunity to transfer to **AFPS 05** on 6 April 2006.

This is your guide to the range of benefits which you could earn during your service as a member of **AFPS 75** including information about Immediate Pensions (IP) and Resettlement Grants (RG).

If you transferred to **AFPS 05**, you should see the booklet "**AFPS 05 Your Pension Scheme Explained**" — MMP/124, which describes the benefits of that scheme.

This booklet provides a straightforward guide to your pension benefits. There are some special terms that you need to know: you can find them on pages 5 to 9 and refer to them as you go along. They appear in **bold italics**.

IMPORTANT: This booklet provides only a summary of some of the rules of the relevant schemes, more details relating to AFPS 75 are contained within the 3 Prerogative Instruments (PIs); the Order in Council made under the Naval and Marine Pay and Pensions Act 1865, the Army Pensions Warrant made under the Pensions and Yeomanry Pay Act 1864, and the Queens Regulations for the Royal Air Force made under the Air Force (Constitution) Act 1917. The booklet is NOT a full explanation of the rules and is NOT the legal basis for any entitlement under the schemes. If there are any differences between the rules and an explanation in this booklet, the rules will be followed.

In addition, this booklet does not give you financial or legal advice. If you want financial or legal advice you should seek independent advice. Unit administrative or personnel staffs can offer information and an explanation of benefits, but are not allowed to offer advice on pensions decisions. They will be able to let you have a list of Services Insurance and Investment Advisory Panel approved independent financial advisers, although you are free to use any independent financial adviser that you wish.



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INTRODUCTION

As a **member** of the **Armed Forces Pension Scheme 1975 (AFPS 75)**, you could earn a range of benefits to help provide financial security for you and your **dependants** up to retirement age and beyond.

You make no direct contributions towards your basic benefits under **AFPS 75**, although your pension benefits are taken into account when your pay is assessed. You may be able to make **Additional Voluntary Contributions (AVCs)** towards extra pension benefits.

AFPS 75 is designed to meet the particular demands of regular Service life. Because youth and fitness are important to the Services, the Scheme provides immediate benefits to those who meet a qualifying period short of a full Service career. The **full career pension** can be earned relatively early (at age 55), and benefits are available in the event of illness, injury or death.

If you have any queries about **AFPS 75** or the **Armed Forces Attributable Benefits (AFAB)** please contact your unit administration office in the first instance. In addition, the **Service Personnel and Veterans Agency (SPVA) Pensions Division** is on hand to answer questions. They can be contacted at the following address:

- Pensions Division
Service Personnel and Veterans Agency
Mail Point 480
Kentigern House
65 Brown Street
Glasgow
G2 8EX

Phone: 0800 085 3600 (enquiry service)

Military: 94560 3600

Email: JPAC@spva.mod.uk

Website: www.afpaainfocentre.dii.r.mil.uk

If you have any queries about **Armed Forces Compensation Scheme (AFCS)** and **War Pensions Scheme (WPS)** the **Service Personnel and Veterans Agency (SPVA)** is on hand to answer questions. They can be contacted at the following address:

- Veterans Advice Unit
Service Personnel and Veterans Agency
Norcross
Thornton Cleveleys
Lancashire
FY5 3WP

Phone: 0800 169 22 77

Email: veterans.help@spva.gsi.gov.uk

Website: www.veterans-uk.info

FURTHER INFORMATION

Your unit administration office has copies of the following booklets, which will provide you with further information on specific aspects of your pension under **AFPS 75**:

- **Commutation — MMP/107**
- **Family Pension Benefits — MMP/114**
- **Invaliding — MMP/115**

Tri-Scheme booklets cover issues relating to all three Armed Forces pension schemes – **AFPS 75**, **AFPS 05** and **RFPS**:

- **Re-employment — MMP/116**
- **Increasing Your Benefits — MMP/128**
- **Transferring Benefits — MMP/129**
- **Internal Disputes Resolution Procedure — MMP/130**
- **Pension Benefits on Divorce — MMP/131**
- **Armed Forces Redundancy Schemes — MMP/138**

Relating to **AFCS**:

- **Your Armed Forces Compensation Scheme Explained — MMP/125**

Relating to **AFAB**:

Booklets for the **Armed Forces Attributable Benefits (AFAB)** are being prepared but details can be found on the Defence websites.

Relating to **WPS**:

Booklets and leaflets about the **War Pensions Scheme (WPS)** are available from the **SPVA Veterans** website.

Your unit administration office can obtain further copies of these booklets and leaflets from DSDC (Llangennech) (please quote the relevant MMP number) or **SPVA Veterans**.

These booklets and further information are also available on the Defence websites – on the Intranet at:

<http://defenceintranet.diiweb.r.mil.uk/DefenceIntranet/Admin/FindOutAboutArmedForcesPensions>

Or on the internet at:

www.armedforcespensions.mod.uk

Check these sites for the most up-to-date information on all Armed Forces Pension and Compensation Schemes.

TERMS YOU NEED TO UNDERSTAND

Here is a list which explains the meaning of some special pension terms used in this booklet.

<p>Abatement</p> <p>Where payments (eg of pension) are reduced in certain circumstances.</p>	<p>Armed Forces Pension Scheme 2005 (AFPS 05)</p> <p>This is the pension scheme for Regular Service personnel. It is effective for new entrants from 6 April 2005 and, from 6 April 2006 for Service personnel who were in service on that date and who elected to transfer from AFPS 75 as a result of the Offer To Transfer.</p>
<p>Added Years</p> <p>An arrangement in which a member makes contributions to buy extra years of service to reckon in the calculation of their final pension and lump sum and/or that of their dependants.</p>	<p>Armed Forces Pension Scheme 1975 (AFPS 75)</p> <p>This is the pension scheme for Service personnel which was introduced in 1975 and was closed to new entrants from 6 April 2005.</p>
<p>Accrued Benefits/Pension Rights</p> <p>The pension benefits or rights a member has built up at a particular date.</p>	<p>Aggregate</p> <p>Add together pension benefits arising from 2 or more periods of service in the Armed Forces.</p>
<p>Additional Voluntary Contributions (AVCs)</p> <p>Tax deductible payments made by a scheme member to enhance his/her pension or death benefits.</p>	<p>Attachment Order</p> <p>A court order instructing the scheme managers to pay all or part of a pension already in payment to a member's former spouse or civil partner as part of a divorce or dissolution settlement.</p>
<p>Annual Allowance (AA)</p> <p>The limit on what can be added each tax year to the value of the pension without a tax charge. It is set at £215,000 in tax year 2006/07, rising in stages to £255,000 in 2010/11. The rule is that, when added together, the increase in the value of an individual's pensions savings in any input period may not exceed the AA. Any excess over the AA is taxed at 40%, which is due as a lump sum when the tax liability is calculated.</p>	<p>Attributable</p> <p>The term generally used to describe where:</p> <ul style="list-style-type: none"> • an injury or illness was caused or aggravated, by service; • a death was caused or significantly hastened by service. <p>See also Armed Forces Attributable Benefits (AFAB), Armed Forces Compensation Scheme (AFCS) and War Pensions Scheme (WPS).</p>
<p>Armed Forces Attributable Benefits (AFAB) Scheme</p> <p>The attributable benefits payable under AFPS 75 will be replaced by AFAB during 2008 to create a stand alone compensation scheme for injuries, illnesses and deaths caused by service on or before 5 April 2005. AFAB is being introduced to continue to provide cover to Service personnel if they are medically discharged from the Services (regardless of whether they are members of AFPS 75 or AFPS 05) and their surviving dependants. See the Defence websites for more information (details on page 4).</p>	<p>Attributable Benefits</p> <p>Attributable benefits are not paid under AFPS 75 which offers invaliding pensions whatever the cause of the condition. Benefits are paid under 2 schemes depending on the date when the injury or condition was caused. See also, Armed Forces Attributable Benefits (AFAB), Armed Forces Compensation Scheme (AFCS) and War Pensions Scheme (WPS).</p>
<p>Armed Forces Compensation Scheme (AFCS)</p> <p>This is a compensation scheme for all members of the Regular and Reserve Forces. It provides compensation for all injuries, ill-health and deaths due (attributable) to service, the cause of which occurred on or after its introduction on 6 April 2005. See AFCS booklet "Your Compensation Scheme Explained" – MMP/125</p>	<p>Benefits Transfer</p> <p>A payment made from one pension scheme to another at the individual's request to allow the receiving scheme to provide alternative benefits. This transfer is made when an individual changes employment.</p>

Buy-out Policy

When at the individual's request an insurance company takes over part of a member's pension rights and manages them as an insurance policy.

Civil Partner

An individual who has formed a legally recognised partnership with another person of the same sex under the procedure provided by the Civil Partnership Act 2004.

If the civil partnership is legally dissolved, the former civil partner is not entitled to benefits.

Civil Partnership

An arrangement under which same sex couples can enter into a legally recognised partnership under the procedure set out in the Civil Partnership Act 2004.

Commutation

When a member gives up part of his/her pension in return for a tax-free sum of money.

Contracting-Out

The arrangement under which a pension scheme leaves the State Second Pension Scheme (S2P). This means AFPS 75 members exchange their entitlements to benefits under the S2P for alternative benefits and National Insurance contributions are paid at a lower "contracted-out" rate.

Deferment

Deferred members are those who leave before the Immediate Pension Point. Their benefits are preserved until age 60 for service built up before 6 April 2006 and age 65 for service built up after 6 April 2006. There is an opportunity for all benefits to be taken at age 60 but they will be actuarially reduced to reflect the early payment.

Dependants

An AFPS 75 member's spouse or civil partner or children. For attributable benefits only, this may include an eligible partner.

Earmarking Order

A court order made as part of a divorce or legal separation settlement instructing the scheme to pay all or part of a member's pension and/or tax-free pension lump sum to the member's former spouse or civil partner when these benefits become payable in the

future. The same arrangements will apply when a civil partnership is dissolved. These Orders are sometimes known as "Attachment Orders" when the member's pension is already in payment at the time of the Order. However, they will be referred to as "Earmarking Orders" throughout this booklet.

Eligible Child/Children

A child/children whose parents were married when he or she was born and born no later than 12 months after the member's death. In certain circumstances the definition can include: a child/children whose parents are not married when they were born, a stepchild/children, an adopted child/children (further details of eligible children, including children of unmarried partners, can be obtained from the SPVA). In all cases the child/children must be financially dependent on the AFPS member and aged 16 or under or receiving full-time education or training or not able to support themselves due to disability. The disability must have been present before the member's death.

Children born of a relationship entered into after the AFPS 75 member leaves the Armed Forces are not eligible for benefits under the AFPS 75 Scheme.

Eligible Partner

Eligible partners of members who gave pensionable service on or after 15 September 2003, may be eligible for attributable benefits under AFAB where the death of the member is caused by service and the relationship was substantial (see also substantial relationship). Benefits are not payable to eligible partners where the death is not found attributable.

Final Rank

The highest paid rank held for more than 2 years in the last 5 years of service in the case of other ranks, and the highest substantive (permanent) rank held for more than 2 years or the highest paid acting rank held for 3 years in the case of officers.

Free Standing AVCs (FSAVCs)

Additional pension savings outside the Scheme, in a plan set up and run by an insurance company, building society or other commercial organisation.

Full Career (Maximum) Pension

A pension paid at age 55 after 34 years' reckonable service as an Officer or 37 years' reckonable service as an Other Rank.

GMP – Guaranteed Minimum Pension

The minimum pension that a scheme like AFPS 75 is obliged to provide to members as a result of contracting-out of S2P, formerly SERPS.

Immediate Pension (IP)

A pension paid immediately on leaving the Armed Forces after 16 years' reckonable service as an Officer or 22 years' reckonable service as an Other Rank.

Index-Linking

Annual increase in pension value in line with movements in the Retail Prices Index (RPI). Changes are made in April, using the previous September's annual headline rate of inflation. All ill-health pensions, full career pensions and dependants' pensions are index-linked from the date of payment with the exception of Immediate Pensions (IPs) which are not index-linked until age 55. Preserved pensions are index-linked using prices since the date of leaving service.

Life Time Allowance (LTA)

The limit on total pension savings eligible for tax relief. The limits for the 5 tax years 06/07 – 10/11 (at the time of printing figures not announced beyond that) are:

- £1.5m in 06/07
- £1.6m in 07/08
- £1.65m in 08/09
- £1.75m in 09/10
- £1.8m in 10/11

For the latest information on LTA see the HM Revenue and Customs website Registered Pensions Schemes Manuals/Technical Pages/Lifetime Allowance web address

<http://www.hmrc.gov.uk/manuals/rpsmmanual/rpsm11101010.htm>

Member

A person who has joined AFPS 75 and who is earning benefits under the Scheme, has a preserved pension under the Scheme or is receiving a pension from the Scheme.

Pensionable Pay

Basic pay including the X factor applicable but excluding allowances, bonuses, financial retention incentives, loan service pay bounties and any form of specialist pay.

Pension Sharing Order (PSO)

An order made by a court on divorce or dissolution of a civil partnership creating pension rights for a former spouse or civil partner out of the benefits in the Scheme which the member has built up at the time of the PSO. The value of the pension will depend on the percentage specified in the PSO.

NOTE: PSOs sealed before 6 April 2005 are payable at age 60 but PSOs sealed after that date are not payable until age 65.

Preserved Pension

Benefits due to a member leaving AFPS 75 after a minimum of 2 years' service and before the Immediate Pension Point, or a transfer in from another scheme. The preserved pension is payable at the age of 60 for service before 6 April 2006 and age 65 for service after that date.

Qualifying Service

Qualifying Service for Full Career Pension includes: paid service in the Armed Forces; service transferred in from another scheme; any period of service with NATO/UN or similar collaborative arrangement in respect of which the member has repaid all elements of their severance payment to buy back the service they missed whilst on secondment, supplemented by a 'top up' from the project which sent them.

NOTE: Only actual service counts towards an Immediate Pension. Transferred-in service **does not** count towards Qualifying Service for an Immediate Pension.

Reckonable Service

Reckonable service is the service which counts towards a member's pension. For Officers this starts at age 21 (or date of entry if later) for a maximum of 34 years and for Other Ranks at age 18 (or date of entry if later) for a maximum of 37 years. The value of any pension benefits transferred in from another scheme increases the service which counts towards a member's final pension and therefore counts towards the 2 year minimum required to qualify for pension benefits. Credit resulting from the purchase of added years also counts towards reckonable service for full career and preserved pensions. Certain absences are not reckonable for pension purposes, such as a period of detention, unauthorised absence or unpaid leave.

NOTE: Only actual service counts towards an Immediate Pension. Transferred-in benefits and credits resulting from the purchase of added years **do not** count towards reckonable service for an Immediate Pension.

Representative Pay

Unlike most final salary-related pensions, AFPS 75 pensions for members below 1 star level (Commodore, Brigadier, Air Commodore) are not based on individual earnings but on a representative rate of pay for each rank. This "all of one company" principle means that all those of the same rank with the same length of service retiring in the same year receive the same rate of pension, regardless of their actual earnings.

Reserve Forces Pension Scheme (RFPS)

Those who start or restart on Full Time Reserve Service (FTRS), including Additional Duties Commitment (ADC) terms on or after 6 April 2005, will automatically be members of the RFPS. Personnel called out for service under section 32, 43, 52, 54 or 56 of the Reserve Forces Act 1996, (or corresponding section of the Reserve Forces Act 1980) from that date may choose to become members of RFPS.

Resettlement Grants (RG)

A tax-free lump sum payable to personnel who leave the Regular Armed Forces having given the required service under AFPS 75, and who are not eligible for benefits under the pension scheme, apart from a preserved pension.

Scheme Actuary

The Government Actuary's Department provides actuarial advice to the Scheme.

Scheme Managers

Service Personnel Policy (Pensions) (SP Pol Pens), an MOD branch, manages AFPS 75.

Services Insurance and Investment Advisory Panel (SIIAP)

Produces a list of MOD approved independent financial advisers.

Service Personnel and Veterans Agency (SPVA)

The MoD Agency that runs the Armed Forces Compensation Scheme (AFCS), War Pensions Scheme (WPS) and Armed Forces Pensions Schemes' (AFPS) and authorises appropriate payments.

Spouse

A legally married (including separated, but not divorced) husband or wife; not an unmarried partner.

Surviving Spouse/Civil Partners' Benefits (formerly known as Widow/Widower Benefits)

The person to whom a member is legally married or has a legally recognised partnership when he/she dies. A former spouse or civil partner is not eligible to receive pension benefits, however, a separated spouse or civil partner may qualify if not cohabiting with a new partner.

Substantial Relationship

To establish whether a relationship is substantial various factors are taken into consideration, such as: whether there are children of the relationship, financial dependence or interdependence, shared commitments such as a mortgage, whether one partner is the prime beneficiary of the other's will, shared accommodation, the length of the relationship and whether the relationship is exclusive, that is, there is no spouse or civil partner (on either side).

Terminal Grant (TG) (Pension Lump Sum)

A 1 off lump sum equal to 3 times the annual pension awarded. The pension lump sum is paid in addition to the pension when the pension first comes into payment and is normally tax free.

Terminal Benefits

A term used to describe any benefit arising from the termination of service in the Armed Forces.

Transfer Value

A payment (called a Cash Equivalent Transfer Value or CETV reflecting the value of the rights an individual has in that scheme) made from one pension scheme to another to buy benefits in the receiving scheme. This transfer may only be made at the individual's request, when they change from one pension scheme to another.

Unmarried Partners

See the terms outlined under Eligible Partners and Substantial Relationship.

War Pensions Scheme (WPS)

The WPS may pay benefits to an individual when they have left the Armed Forces, where an injury, illness or death was caused, made worse or hastened by service in the Armed Forces before 6 April 2005.

MEMBERSHIP

GENERAL

AFPS 75 closed to new entrants on 6 April 2005, with the exception of those transferring as part of the Gurkha Offer To Transfer (GOTT).

AFPS 75 is a final salary related occupational pension scheme. If you are below 1 star level, your pension is based on the representative rates of pay for your rank at the time of your retirement. You are automatically a **member** of **AFPS 75** if you joined the Armed Forces before 6 April 2005 and have not opted to transfer to **AFPS 05** as part of the **AFPS 05** Offer To Transfer (OTT) or unless you chose to opt out of the Scheme. You need to have completed 2 years' **reckonable service** to be entitled to most pension benefits in **AFPS 75**.

OPTING OUT

Membership of **AFPS 75** stopped being compulsory from 6 April 1988 onwards, so you can opt out of the Scheme in favour of a personal pension at any time. However, you need to bear in mind that you pay no direct contributions towards your pension entitlement under **AFPS 75** and there is no compensation for withdrawal from the Scheme. If you are considering opting out, you should seek advice from an independent financial advisor.

If you want to opt out of the Scheme, you will need to fill in an option form available from **SPVA Pension Division** (see page 3 for address), and forward it to them for action.

The option form must state the date for leaving **contracted out** employment in the Scheme.

You can find further information about the options available and the key points you need to bear in mind when making your decision in the **Tri-Scheme** booklet: **"Transferring Benefits" — MMP/129**.

OPPORTUNITIES TO REJOIN AT A LATER DATE

If you opt to leave **AFPS 75** (or opted not to join) while remaining in service, you may have one opportunity to join **AFPS 05** provided you are under age 55, and can prove you are medically fit. You will **not** be able to rejoin **AFPS 75**.

This provision has nothing to do with the **AFPS 05** OTT and **cannot** be taken as an opportunity for those who opted to transfer to **AFPS 05** as a chance to transfer back into **AFPS 75**.

YOUR BASIC BENEFITS EXPLAINED

GENERAL

You will be entitled to pension benefits provided you have at least 2 years' **reckonable service**. Your benefits are based on **final rank** and reckonable service.

FULL CAREER (MAXIMUM) PENSION AT AGE 55

If you retire at age 55 with 34 years' reckonable service (Officer) and 37 years (Other Ranks), you will be entitled to a **full career (maximum) pension** and a lump sum (normally tax-free) of 3 times the annual rate of pension. These are your **"Terminal Benefits"**.

IMMEDIATE PENSION (IP)

If you have completed 16 years' reckonable service as an officer or 22 years' reckonable service other ranks, when you retire, you will be entitled to an **Immediate Pension (IP)** and a **terminal grant** of 3 times the annual rate of pension. The terminal grant is normally tax-free.

PRESERVED PENSION

If you leave the Armed Forces before reaching the IP Point having completed at least 2 years' reckonable service, you will be entitled to a preserved pension and a terminal grant of 3 times your annual pension, which is payable when you reach the age of 60 for service before 6 April 2006 and at age 65 for service after

6 April 2006. The terminal grant is normally tax-free. You can have all your pension benefits paid at age 60 but they will be actuarially reduced to reflect the early payment.

INVALIDING BENEFITS

If your career is cut short by illness or injury (which is not your fault) and you have completed more than 2 years' reckonable service, you will receive an invaliding pension and lump sum.

ATTRIBUTABLE INVALIDING

Attributable benefits are not paid under **AFPS 75** which offers invaliding pensions whatever the cause of the condition. Benefits are paid under 2 schemes depending on the date when the injury or condition was caused.

- For injuries or illnesses caused before 6 April 2005, a top-up may be made to the **AFPS 75** pension under the **Armed Forces Attributable Benefits (AFAB)** Scheme and additional benefits under the **War Pensions Scheme (WPS)**.
- For injuries or illnesses caused on or after 6 April 2005, pain and suffering lump sums and Guaranteed Income Payments (GIP) (where appropriate), are paid under the **Armed Forces Compensation Scheme (AFCS)**.

DEPENDANTS' BENEFITS

When you die – either in service or during retirement – benefits may be due to your **spouse** or **civil partner**, and also to **eligible children** born during your service.

NOTE: Spouse's or civil partner's benefits **cannot** be left by will or awarded to anyone other than a legal spouse or civil partner. A spouse from whom you are separated, but not divorced, retains his/her entitlement to these benefits, as does a civil partner where the relationship has not been legally dissolved. Unmarried partners are not entitled to receive non-attributable benefits. Children's benefits can be paid to a legal guardian.

DEATH OF A MEMBER WITH NO DEPENDANTS

If you are single with no eligible children and die in service or with a **preserved pension** in retirement, a tax-free **terminal grant** will be paid to your estate as part of the assets you leave. More information is available in the **AFPS 75** booklet: **"Family Pension Benefits" — MMP/114.**

RESETTLEMENT GRANT (RG)

If you complete more than 9 years from age 21 (or date of entry if later) (Officers) or 12 years from age 18 or (date of entry if later) (Other Ranks) and leave the Armed Forces with no other immediate benefits, you may qualify for a tax-free **resettlement grant** to aid your resettlement into civilian life.

RETIREMENT BENEFITS

FULL CAREER (MAXIMUM) PENSION

If you retire at age 55, with 34 years' **reckonable service** (Officers) or 37 years (Other Ranks), your full career (maximum) pension will be **index-linked** from your date of retirement. You will also receive a one-off **terminal grant** of 3 times your annual pension. The terminal grant is normally tax-free.

Under **AFPS 75**, **members** of the Armed Forces with the same rank and same number of years of reckonable service are normally awarded the same pension, regardless of their actual pay either at retirement or discharge, or earlier in their career. This is known as the **representative pay rate** for the rank. Representative pay is worked out using specially selected rates of military salary and does not include extra amounts which those with special qualifications may earn – eg doctors, pilots or submariners. For Officers of 1 star level, (Commodore/Brigadier/Air Commodore) representative pay scales vary with years of service. At 2 star level and above (Rear Admiral/Major General/Air Vice Marshal), pensions are based on pensionable earnings, not representative pay. An additional supplement applies to doctors or dentists who served after 1997.

IMMEDIATE PENSION (IP)

If you complete a minimum of 16 years from age 21 (or date of entry if later) (Officers) or 22 years from age 18 (or date of entry if later) (Other Ranks), you will be entitled to an **IP**. This pension will be fixed until you reach the age of 55. At this point it will be increased to take account of the total rise in the cost of living since your service ended and will continue to increase in line with

annual movements in the Retail Price Index. This is known as index-linking and means that your pension keeps its purchasing power over time. You will also receive a one-off terminal grant of 3 times your annual pension. The terminal grant is normally tax-free.

NOTE: Officers who are permitted to leave the Armed Forces at their own request, after reaching the IP Point but before completing their commission or before age 50 are paid **Premature Voluntary Retirement (PVR)** rates of pension, which are lower than the IP rates. Other Ranks who are discharged on grounds of misconduct, unsuitability or inefficiency will receive lower rates of pension.

PRESERVED PENSION

If you leave the Armed Forces before the IP Point, you may be entitled to a **preserved pension**, which is normally paid from the age of 60 for service before 6 April 2006 and age 65 for service after that date. You can have all your pension benefits paid at age 60 but it will be actuarially reduced to reflect the early payment, together with a lump sum of 3 times the pension. The terminal grant is normally tax-free. To qualify you must have been a member of the Scheme for at least 2 years. Preserved pensions are **not** paid automatically; you have to claim them from **SPVA Pensions Division**. (See address on page 3. The claim form can also be found on the Defence websites).

There are no provisions in **AFPS 75** to pay preserved pensions early except on grounds of ill-health. A preserved pension (and index-linked pension increases) may be awarded early at the

discretion of the Scheme administrators if you become permanently unable to undertake any full time work through ill-health. You will need to apply to **SPVA Pensions Division** for this and you will be asked to provide documentary evidence of your ill-health. You will also need to agree that **SPVA Pensions Division** can contact your doctor and/or consultant.

If you leave the Armed Forces too early to receive an **immediate pension**, you do not have to accept the MOD's offer to preserve a pension and a **terminal grant** for you. You can instead ask the MOD to transfer the pension rights that you have already earned to a scheme offered by a future employer, or to a "buy-out" policy issued by an insurance company, or to a personal pension plan. You should apply to **SPVA Pensions Division** for a statement of entitlement. There may, however, be time restrictions imposed by the Scheme you wish to transfer your pension into. This is normally 12 months from the date of joining the new scheme.

REMEMBER: If you do decide to transfer the value of your **AFPS 75** preserved pension to another scheme there may be time limits (see page 23). You will not be allowed to change your mind afterwards. **Once the transfer of funds is completed, you will have given up forever any rights of your own and those of your dependants under AFPS 75.**

The transfer rules are complicated, for more information you should read the **Tri-Scheme** booklet: **"Transferring Benefits" – MMP/129.**

YOUR ACCRUED BENEFITS

Your **accrued benefits** do not build up at a uniform rate. **AFPS 75** accrual rates are faster up to the **IP** Point, so that after 16 years' **reckonable service** as an Officer you will have accrued 28.5% of **representative pay**, and after 22 years' reckonable service as an Other Rank, you will have accrued 32% of representative pay. If you retire at age 55, with 34 years' reckonable service as an Officer or 37 years' reckonable service as an Other Rank, you will have accrued the maximum pension of 48.5% of representative pay (the 48.5% excludes the terminal grant).

PENSION COMMUTATION

Under **AFPS 75**, **commutation** means giving up part of your pension in return for a lump sum. It is not an automatic right: you have to apply for it. There are 2 forms of commutation: resettlement commutation and life commutation. With effect from 1 April 1996 you **cannot** take advantage of both forms **concurrently** (at the same time).

The Finance Act 2004 (FA 2004) stipulates that a **member's** pension may **not** reduce from one year to the next except in exceptional prescribed circumstances.

RESETTLEMENT COMMUTATION

If you leave the Armed Forces before reaching the age of 55 and with an entitlement to an **IP**, other than invaliding benefits, you may apply for resettlement commutation.

The changes introduced by FA04 and the way in which **Lifetime Allowance** (LTA) is calculated affects the amount of resettlement commutation you are able to take. With immediate effect, the decision to take advantage of resettlement commutation must be made before you leave the Service and your pension has crystallised (come into payment).

There will be a compensating reduction in your pension, which will be restored to its original value at the age of 55. There can be no restoration of your pension to its original value before this time. Once the completed application form has been forwarded to **SPVA Pension Division**, and they have processed it, the decision is **final** and **cannot be reversed**.

LIFE COMMUTATION

Life commutation, which is being phased out, applies only to those who gave service prior to 31 March 1978 and to that part of the pension earned by **reckonable service** up to 6 April 1980. Your ability to commute your pension under the terms of life commutation has also been affected by FA04 and you will need to make a decision before you leave Service. This type of commutation is, as its name implies, for life and the full value of the pension **cannot** be restored later. Once the completed application form has been forwarded to **SPVA Pension Division**, and they have processed it, the decision is **final** and **cannot be reversed**.

Full details of both these schemes are available in the **AFPS 75** booklet: **“Commutation” — MMP/107**.

TRIVIAL BENEFITS

If you are over the age of 60 but below age 75, trivial benefits may be commuted and paid as a one-off lump sum payment. This can be done only if the value of the member's benefit entitlement under all registered pension schemes, along with all rights that have previously crystallised for **Life Time Allowance (LTA)** purposes (including any pensions in payment on 5 April 2006), do not exceed a maximum value (the commutation limit) as valued on a specific date (the nominated date). The commutation limit is 1% of LTA and tax will be due on 75% of the lump sum paid.

TAX REGIME

FA 2004 simplified the tax regime to control tax privileged pension savings by means of a **LTA** and an **Annual Allowance (AA)**. For further details see www.hmrc.gov.uk.

INCREASING YOUR BENEFITS

BACKGROUND

Occupational pension schemes like **AFPS 75** provide pension benefits in addition to those provided by the State pension, to ensure that **members** have an adequate income in retirement. Her Majesty's Revenue and Customs (HMRC) allow certain tax concessions to pension schemes which are not available to other forms of retirement savings, full details may be found on their website: www.hmrc.gov.uk.

The options for increasing your benefits include the following:

- Payment of **Additional Voluntary Contributions (AVCs)**
- The purchase of Added Years
- Taking out a Stakeholder Pension

The Scheme limit on improvements to defined benefits (ie In-Scheme AVCs and Added Years) is 15% but further tax efficient pension saving is available by means of commercial products. The overall limit for pension savings within a year is £215K in 2006/07 rising to £255K in 2010/11. (See **Annual Allowance (AA)** definition in **Terms You Need To Understand** for further details.)

ADDITIONAL VOLUNTARY CONTRIBUTIONS

Initially AVCs were available in cases where a scheme did not provide benefits up to Revenue limits or where a member was not able to earn full benefits under the Scheme. This allowed him or her to make tax efficient AVCs to increase benefits

to the maximum possible. The Finance Act 2004 removed these limits with a view to controlling pensions by imposing an Annual Allowance (AA) and **Life Time Allowance (LTA)** but **AFPS 75** limits remain.

The defined benefit AVCs available in **AFPS 75** increase the following:

- **Death-in-service lump sum** from 3 times representative pay to the better of 4 times representative pay at the full career point or 4 times pensionable pay at the date of death.
- **Increase spouse's pension** to 66.67% of **member's** entitlement.
- **The rate of pay upon which the pension is calculated.** The actual rate of pay is used instead of the representative rate.

In order to purchase in-house AVCs you need to apply to **SPVA Pensions Divisions**. Contribution rates and the application form to apply to contribute towards an in-house AVC are on the Defence websites (for addresses see page 4). Once the completed application form has been forwarded to **SPVA Pensions Divisions**, and they have processed it, the decision is **final** and **cannot be reversed**.

You can also increase your benefits by contributing to a **Free-Standing AVC (FSAVC)** provided by a commercial supplier. FSAVCs allow you to top up your pension benefits, without tying you to specific scheme benefits.

ADDED YEARS

The purchase of **Added Years** is a defined benefit within the Scheme and, once a contract is entered into, the level of contribution **cannot** be increased or decreased, and only in very exceptional circumstances can it be stopped. Added Years can be bought as whole or part years but what can be bought depends on being within the 15% Scheme limit, the age at which **reckonable service** started and the number of years until retirement. In order to increase your benefits you need to apply to **SPVA Pension Division**. Contribution rates and the application form are available on the Defence websites (for addresses see page 4). Once the completed application form has been forwarded to **SPVA Pension Division**, and they have processed it, the decision is **final** and **cannot be reversed**.

STAKEHOLDER PENSIONS

The Stakeholder Pension is a flexible, low cost, private pension that was introduced by the Government to help people save for their retirement.

Stakeholder Pensions are money purchase arrangements under which contributions are invested to provide a fund at retirement. They do not top up benefits under **AFPS 75**, **AFPS 05** or **RFPS** but are in addition to and separate from those provided by this occupational pension scheme.

Prior to 6 April 2006, eligibility for members of occupational pension schemes to contribute additionally to a Stakeholder Pension was limited to those earning £30,000 pa or less (before tax):

this limit no longer applies. When considering whether to take out a Stakeholder Pension, you need to take care that your total pension provision (from all pension funds – **AFPS 75**, **AVC** and stakeholder) does not exceed the **LTA**. As with other money purchase arrangements, the pension provided at retirement is not guaranteed as it depends on the amount of money saved, the investment return on these savings, the age at which retirement benefits are drawn and the annuity rates at the time of retirement. Scottish Widows has been designated as the preferred provider of Stakeholder Pensions to the Armed Forces. Their contact details are:

- **Scottish Widows**,
Direct Sales,
69 Morrison Street,
Edinburgh
EH3 0BR

Phone UK: 0845 608 0376

Phone Overseas: +44 131 655 6600

Email: armedforces@scottishwidows.co.uk

Website: www.scottishwidows.co.uk/armedforces/

The administrative charge for handling a Stakeholder Pension is capped at a maximum of 1% of the fund.

NOTE: You should take independent financial advice about the purchase of additional benefits, to avoid obtaining anything other than a legal product which is right for you. Information about independent financial advisers accredited by the **Services Insurance and Investment Advisory Panel (SIAP)** is contained in Joint Service Defence Instructions and Notices, published regularly, although you are free to use any independent financial adviser you wish.

Additionally, the Financial Services Authority (FSA) can advise you on many issues, including how to find a financial adviser. Their contact details are:

- **FSA Consumer Helpline**

Phone UK: 0845 606 1234

Phone Overseas: +44 20 7066 1000

Email: consumerhelp@fsa.gov.uk

Website: www.fsa.gov.uk/consumer

See the **Tri-Scheme** booklet: **“Increasing Benefits” — MMP/128** and the Defence websites for more information. (See page 4 for addresses.)

INVALIDING BENEFITS

If you leave the Armed Forces early because you suffer from ill-health or become injured and are medically discharged, you may be entitled to an invaliding pension and **terminal grant**. Different arrangements apply for **attributable** and non-attributable invaliding.

NON-ATTRIBUTABLE INVALIDING

If your injury/illness is not considered attributable to your Service and you have served for 2 years or more **reckonable service**, then you will receive an **IP** plus a terminal grant of 3 times the pension (which is normally tax-free). The level of pension is based on the length of your service and – where that is 5 years or more – is normally at an enhanced rate, although it is up to the Scheme administrators to decide on the award and amount of invaliding pension, taking account of whether, for example, the condition arose from your own negligence.

ATTRIBUTABLE INVALIDING AND ILL-HEALTH BENEFITS

Attributable benefits are not paid under the **AFPS 75**, they are paid under schemes depending on whether the injury, illness or condition was mainly caused by service before or after 6 April 2005.

- **For injuries, illnesses or conditions caused by service before 6 April 2005** attributable benefits may be paid under 2 schemes:
 - the **War Pensions Scheme (WPS)**;

- the **Armed Forces Attributable Benefits (AFAB)** Scheme.

See the **SPVA Veterans Advice Unit** leaflet: Leaflet 1 – Notes About War Disablement and War Widows Pensions, and visit both the Defence and SPVA Veterans websites for further details.

For injuries, illnesses or conditions caused by service on or after 6 April 2005 benefits may be paid under **AFCS**.

See **AFCS** booklet: **“Your Compensation Scheme Explained” – MMP/125** and the Defence websites for further information. (See page 4 for addresses.)

DEPENDANTS' BENEFITS

When you die, different levels of financial support for your entitled **dependants** or your estate are available depending on:

- The length of your service
- Whether you die in retirement or in service
- Whether your death is accepted as **attributable** or not
- Whether you are married and/or have children or not

NOTE: If you have a **Pension Sharing Order (PSO)** in place, your current **spouse's** or **civil partner's**, pension will be calculated in the normal way but will then be reduced by the value of the PSO.

NON-ATTRIBUTABLE DEPENDANTS' BENEFITS

A pension is paid to a **surviving spouse** or **civil partner** who are eligible under the rules of the Scheme. The pension is normally one half of your pension (ignoring **commutation**) if you die in retirement, or one half of the pension you would have received on non-attributable invaliding if you die in service. Different arrangements are likely to apply in respect of widows' benefits for any service given on or before 31 March 1973 and for the widow(er)s of post-retirement marriages only service from 6 April 1978 will count towards benefits. A higher rate may be due to children who have no surviving parent.

A short term family pension is additionally payable for the first 91 days of widow(er) hood, extended

to 182 days if there are children. This is calculated at the daily rate of pay if death occurs during service, or at pension rate if death occurs during retirement. This rule applies equally to civil partners.

Pensions are also payable for **eligible children**, up to a total of one half of the **member's** entitlement (where a surviving spouse or civil partner's pension is also payable), with no one child receiving more than a quarter of the pension. Pensions to children will normally stop when the child reaches 17, although they may continue if the child is in full time education or training, or is unable to support him/herself for reasons of disability. The disability must have been present before the member's death.

A lump sum is payable on death in service which is normally tax-free. This amounts to about 3 times your salary or the **terminal grant** that would have been payable on non-attributable invaliding, whichever is worth more.

If you die after leaving but before preserved benefits become payable, your surviving spouse or civil partner may be paid a gratuity equal to the preserved terminal grant.

NOTE:

- As a Scheme member, you are not entitled to nominate the person(s) who can receive any benefits when you die
- Only a legal spouse or civil partner can receive pension benefits; **unmarried partners are not eligible for non-attributable benefits**

- Divorce or dissolution (but not separation, unless cohabiting with a new partner) ends all entitlement to death benefits
- Cohabitation with a new partner or remarriage or new **civil partnership** leads to suspension of non-attributable pension

Further information about death benefits are available in **AFPS 75** booklet: **“Family Pension Benefits” — MMP/114**.

ATTRIBUTABLE DEPENDANTS’ BENEFITS

Attributable benefits are paid to **dependants** under different arrangements depending on whether the death was caused by service before or after 6 April 2005.

- **Where the cause of death was before 6 April 2005** attributable benefits may be paid under 2 schemes:
 - the **War Pensions Scheme (WPS)**;
 - the **Armed Forces Attributable Benefits (AFAB)** Scheme.

See the **SPVA Veterans Advice Unit** leaflet: Leaflet 1 – Notes About War Disablement and War Widows Pensions, and visit both the Defence and SPVA Veterans websites for further details.

Where the cause of death was on or after 6 April 2005 attributable dependants’ benefits may be paid under the **AFCS**.

See **AFCS** booklet: **“Your Compensation Scheme Explained” — MMP/125** and the

Defence websites for further information. (See page 4 for addresses.)

DEATH-IN-SERVICE

If you die in service, a tax-free lump sum payment of 3 times **representative pay** will be made to your eligible dependants or your estate. As a Death-In-Service lump sum is paid there will be no **preserved pension** lump sum payable. In addition, your **spouse, civil partner** or **eligible partner** may be entitled to receive a pension.

DEATH IN DEFERMENT

If you leave the Armed Forces with a preserved pension and subsequently die before the pension comes into payment, this is called a death in **deferment**. In these circumstances, your preserved lump sum, uprated by pension increases, will be payable to your eligible dependant or your estate.

HOW DIVORCE OR DISSOLUTION OF A CIVIL PARTNERSHIP CAN AFFECT YOUR PENSION

EARMARKING AND ATTACHMENT ORDERS ON DIVORCE OR DISSOLUTION OF A CIVIL PARTNERSHIP

If you divorce or are judicially separated, a court can order the Scheme managers to pay all or part of your pension and lump sum (**terminal grant**) to your former **spouse** or **civil partner** as part of a divorce or dissolution settlement. This payment will happen at the point in the future when these benefits become payable. This type of order is known as an **earmarking** order. If you are already receiving a pension at the time of the divorce or dissolution, a court can make a similar order – known as an **attachment** order – in respect of that pension. The court can also make an order earmarking the terminal grant payable to your estate in the event of your death in service.

NOTE: SPVA Pensions Division will only make payments to your former spouse or civil partner when a court order has specifically instructed them to do so. Without such an order, they will continue to make payments to you.

If you die before your former spouse or civil partner, he or she will not receive any payments in respect of your pension after the date of your death. Your death, however, will not normally affect the part of a divorce or dissolution order that earmarks a lump sum, although it would reduce the level of benefits payable to a current spouse or civil partner.

If your former spouse marries someone else after the divorce, he or she will not receive any payments in respect of your pension after the date of his/her remarriage. However, the remarriage will not normally affect the part of a divorce order

that earmarks a lump sum. This applies equally to former civil partners who enter into new legally recognised relationships.

PENSION SHARING ON DIVORCE OR DISSOLUTION OF A CIVIL PARTNERSHIP

In legal proceedings begun on or after 1 December 2000, courts have had the additional option of making **Pension Sharing Orders (PSO)** on divorce. These provisions also apply to the dissolution of a civil partnership. It allows pension rights to be treated like other assets and part or the whole of their value to be transferred from the **member** to the former spouse or civil partner. The payment of the pension is direct to the former spouse or civil partner, and is not affected by changes in the circumstances of the member or former spouse or civil partner after the divorce or dissolution. In this way, the 2 parties are helped to make a financial “clean break”.

Under a PSO, a court may order that a percentage of the value of your benefits are transferred permanently to your former spouse or civil partner and they become a pension credit member. These rights are known as pension credit rights and are payable when the former spouse or civil partner reaches the age of 60 if the order was made before 6 April 2006 or 65 if it was made after that date.

Even though the PSO is not payable to your former spouse or civil partner until age 60 or 65, the value of the pension share is deducted from your pension as soon as your pension comes into payment.

If you have a PSO in place, your current spouse or civil partner’s, pension will be calculated in the

normal way but will then be reduced by the value of the PSO.

NOTE: Because **AFPS 75** is an unfunded public service pension scheme, your former spouse or civil partner is not allowed to transfer his/her pension credit rights out of the Scheme and into another pension arrangement.

Further information and details on what SPVA need to arrange an Attachment Order or PSO can be obtained from **Tri-Scheme** booklet: **“Pensions on Divorce” — MMP/131** and on the Defence websites. (See page 4 for addresses)

TRANSFERRING YOUR BENEFITS

If you leave the Armed Forces to take up new employment where an occupational pension scheme is available, you can transfer your **preserved pension** benefits from the Scheme into that scheme, provided you do so before the age of 59 or 64, dependent upon when your preserved pension is due. Alternatively, you can transfer your preserved pension rights into a personal pension scheme or an approved insurance scheme. Or you can simply leave your preserved benefits in the Scheme until they become payable at the age of 60 or 65, dependent upon whether the benefit was earned before or after 6 April 2006. Always seek independent financial advice before transferring pension benefits. Further guidance is available from the **Tri-Scheme** booklet: **“Transferring Benefits” — MMP/129**.

Transfer values are available on the defence website see page 4 for addresses.

If you leave the Armed Forces having completed less than 2 years **reckonable service**, you will not qualify for a preserved pension. However, you could transfer the notional value of benefits to another approved pension scheme within 6 months of leaving the Armed Forces. **If you do not do so, the SPVA will arrange for you to be contracted back into the State Scheme for the period of your service in the Armed Forces.**

RE-EMPLOYMENT IN THE ARMED FORCES

If you rejoin the Regular Armed Forces with less than one calendar month’s break in service you can opt to either remain in **AFPS 75** or join **AFPS 05**. If the break in service is longer than one calendar month you will automatically join **AFPS 05**.

If you rejoin the Regular Armed Forces and have preserved awards in **AFPS 75** you are entitled to **aggregate** the periods of service that is, add together. However, you can only aggregate your most recent period of **AFPS 75** service into **AFPS 05**.

If you have a pension in payment, it may be suspended or reduced to ensure that your pension and your new rate of pay do not exceed your old rate of pay (adjusted for inflation). This is known as **abatement**. If a pension is in payment it **cannot** be aggregated or transferred.

If you join the **Full Time Reserve Service (FTRS)**, any pension may be suspended or reduced in line with the abatement principle above, as such appointments may rely on your previous Armed Forces service. Periods of Regular and Reserve service **cannot** be aggregated.

If you are re-employed in the Regular Armed Forces or Reserve Forces after receiving a Special Capital Payment on redundancy, you may have to repay part of it on re-entry.

See **Tri-Scheme** booklet: **“Re-employment” — MMP/116** for further details.

MAKING THE MOST OF YOUR MEMBERSHIP

Some of the actions you might wish to take are time-limited. There is no time limit for opting out of **AFPS 75**.

Please make sure you do not miss out by exceeding these limits.

Action	Time Limit
Resettlement Commutation (Page 14)	If you wish to take advantage of this benefit you must apply before you leave the Service and before your pension has crystallised (come into payment).
Making a transfer of AFPS 75 preserved pension rights (Page 24)	For transfers under the Public Sector transfer arrangements the application must be within 1 year of joining the new pension scheme and before the age of 59 or 64 (dependent upon when your preserved pension is due), or within 6 months of the end of pensionable employment with the Armed Forces, if later. Other occupational pension schemes may have their own time limits set.
Claim preserved pension (Page 13)	There is no limit but you need to submit your claim to SPVA Pensions Division at age 59 ready for payment at age 60 and age 64 ready for payment at age 65.

DISPUTE AND COMPLAINTS PROCEDURES

INTERNAL DISPUTES RESOLUTION PROCEDURE (IDRP)

IDRP is a formal procedure set up to resolve disagreements between the **scheme administrators** and individuals who have an interest in the scheme, such as **members, spouses/civil partners** or **dependants**, prospective members of the Scheme and others.

This provides the opportunity to complain to the scheme administrators (**SPVA Pensions Division**) about matters in relation to the Scheme and maximise the opportunity to resolve the disagreement internally.

The IDRP process consists of 2 stages. Under the first stage, you have the right to complain to the scheme administrators (**SPVA Pensions Division**). Under the second stage, you have the right of appeal to a higher level, consisting of a 2 star panel of Defence Council representatives, against the decision made on your first stage complaint.

If your complaint remains unresolved, you may then take it to the Pensions Ombudsman through The Pensions Advisory Service (TPAS).

Further information can be obtained from the **Tri-Scheme** booklet: **“Internal Disputes Resolution Procedure” — MMP/130**.

THE PENSIONS ADVISORY SERVICE (TPAS)

TPAS is an independent body which is financed in part by the Department of Work and Pensions (DWP). It is available at any time to assist

members of occupational pension schemes and their dependants to resolve any difficulties they have failed to solve with the administrators of the Scheme. The contact details are:

• TPAS

11 Belgrave Road
London
SW1V 1RB

Phone: 0845 601 2923

Email:

enquiries@pensionsadvisoryservice.org.uk

Web: www.pensionsadvisoryservice.org.uk

PENSIONS OMBUDSMAN

The Ombudsman has the power to investigate any complaints and settle disputes between a pension scheme and a complainant. They will usually only become involved if IDRP and TPAS have been unable to sort out the problem. Complaints must normally go to the Ombudsman within 3 years of whatever event caused the dispute. The Ombudsman **cannot** investigate a dispute once formal legal proceedings have been started. The contact details are:

• The Pensions Ombudsman

11 Belgrave Road
London
SW1V 1RB

Phone: 020 7834 9144

Email:

enquiries@pensions-ombudsman.org.uk

Web:

www.pensions-ombudsman.org.uk/powers/

THE PENSIONS REGULATOR (TPR)

TPR is able to intervene in the running of pension schemes where their trustees or managers have failed to comply with the law. The contact details are:

- **The Pensions Regulator**

Napier House
Trafalgar Place
Brighton
BN1 4DW

Phone: 0870 606 3636

Email:

customersupport@thepensionsregulator.gov.uk

Web: www.thepensionsregulator.gov.uk

PENSIONS TRACING SERVICE

The Pensions Tracing Service, with whom **AFPS 75** is registered, is part of the Department of Work and Pensions (DWP). They provide a tracing service for members of pension schemes (and their dependants) with pension entitlements, who have lost touch with earlier employers. The contact details:

- **Pensions Tracing Service**

Tyneview Park
Whitley Road
Newcastle upon Tyne
NE98 1BA

Phone: 0845 600 2537

Web: www.pensionservice.gov.uk/atoz/atozdetailed/pensiontracing.asp

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