

SECTION 7 -PENSIONS AND GRATUITIES FOR GALLANT CONDUCT AND GOOD SERVICE**2989. VC and GC Special Annuities.***Sponsor: SPP(Pens)*

- (1) An officer who has been awarded the Victoria Cross or George Cross will be granted a special annuity of £1300 a year.
- (2) This pension is effective from 1 August 1959, in the case of the Victoria Cross and 1 April 1965, in the case of the George Cross, or the date of the act of bravery by which the decoration is gained, whichever is the later.
- (3) A special pension granted under this paragraph will be forfeited or restored in accordance with the provisions of the governing warrants.

2990. VC and GC Gratuities.*Sponsor: PMA(EP)1a(1)(RAF)*

- (1) If an officer has been awarded the Victoria Cross or George Cross posthumously, or the recipient of a special pension under para **2989** dies before the payments of the special pension amount to £50, a gratuity of £50 or a gratuity equivalent to the difference between the total of the special pension payments and £50, as the case may be, will be payable to his legal representative, in respect of holders of the Victoria Cross or credited to the estate of the deceased recipient of the George Cross.
- (2) The provisions of this paragraph apply only to decorations awarded on or after the 3 September 1939, in respect of the Victoria Cross and 1 April 1965, in respect of the George Cross.

2991-3001. *(Omitted)***SECTION 8 - RANK ON RETIREMENT, RESIGNATION, ETC.****3002. Retention of Rank by Officers on leaving the Active List.** *Sponsor: RAF Employment Policy*

- (1) An officer of the regular air force placed on the retired list or on the reserve will be shown in his substantive rank. An officer of the rank of flight lieutenant or above leaving the reserve, or having no reserve liability, may be permitted to use his rank as a courtesy title subject to clauses (7) and (8) and to completion of 3 years service on the Active List.
- (2) Subject to clauses (7) and (8), with effect from 1 January 1956, an officer of the regular air force, other than an officer serving on a national service commission, may be permitted to retain as a courtesy title in civil life a rank higher than his substantive rank on leaving the Active List, provided that he had held such higher acting rank for an aggregate period of at least two years during his service, or continuously for one year immediately before leaving the Active List. For this purpose, service in a higher acting rank, may if it is advantageous to do so, be counted as service in a lower acting rank.
- (3) Officers who reverted to the rank of flight lieutenant on entering the former Supplementary List may be permitted to retain the substantive rank they held immediately before transfer or appointment to that List.
- (4) As stated in clause (2), these regulations are effective from 1 January 1956, but officers who served during the Second World War, 1939-1945 and for whom the regulations in force before 1 January 1956, are more favorable, will continue to be treated under the old regulations (see clauses (5) and (6)).
- (5) Second World War, 1939-1945. The regulations applicable to officers who served during the Second World War, 1939-1945, are as follows:
 - (a) Officers, on leaving the Active List, may be allowed to retain their substantive or war substantive rank, or, if more favourable, either:
 - (i) Their highest temporary or paid acting rank, provided that they have held such rank for an aggregate period of at least six months (for this purpose any periods

of tenure of such rank will be reckoned cumulatively, and service in a higher temporary or paid acting rank may, if it is advantageous to do so, be counted as service in a lower rank, eg a flight lieutenant who held the temporary rank of squadron leader for four months and the paid acting rank of wing commander for discontinuous periods aggregating two months, may be allowed to retain the rank of squadron leader)

(ii) Any temporary or paid acting rank held immediately before the beginning of absence from duty on account of disabilities attributable to air force service as a result of which they cease to be employed and relinquish their commissions or are placed on the retired list, etc.

(b) Any period of temporary or paid acting rank held by an officer whilst seconded or attached to another arm of the Service may count as under (a).

(c) An officer who, on being taken into employment as an officer during the war relinquished rank previously held, may, on leaving the Active List, resume that rank or may be allowed to retain any higher rank for which he is qualified under this clause.

(d) To be eligible for the retention of rank, officers must have been in receipt of RAF, as distinct from civil, emoluments during their service on the active list.

(e) The provisions of this clause have retrospective effect to 3 September 1939, but service in a paid acting or temporary rank after 10 February 1954, will not count towards the qualifying period defined in (a)(i).

(6) In all cases permission to retain rank will be contingent upon an officer's service having been satisfactory throughout, and the Defence Council reserve the right to withhold or withdraw this privilege at their discretion at any time. Officers who resign their commissions will be dealt with in accordance with para **3005**.

(7) The counting of acting rank for retired pay purposes is governed by separate regulations (see para **2933**) and the grant, under the provisions of clauses 2, 3, 4, 5 and 6 of permission to retain higher acting rank on leaving the active list will not effect an officer's rate of retired pay, nor will it entitle him to recall in the higher rank (see para **3003**). It will permit him to use the courtesy title in civil life and to wear the uniform appropriate to the higher rank on occasions of ceremony, in accordance with AP 1358 - Dress Regulations for Officers.

3003. Relinquishment of Honorary, etc, Rank on Re-employment in Emergency.

Sponsor: RAF Employment Policy

Officers granted honorary rank or allowed to retain the highest temporary, war substantive or acting rank held by them will, on being re-employed during an emergency, relinquish such rank if their appointment during such employment carries a lower rank, unless the Defence Council decide that it is in the interests of the Services that they should retain it.

3004. Naval and Military Officers.

Sponsor: RAF Employment Policy

An officer of the RN, RM, or regular Army who, on completion of duty with the RAF returns to his own Service, will do so in his substantive rank in that Service. He may, on retirement from the RN, RM, or regular Army apply to HQ Air Command for permission to retain any air force rank higher than his rank in his parent Service, for which he may be eligible under para **3002**. Any permission to retain rank which may be granted in these circumstances will not confer any title to the gratuity, retired pay or pension corresponding to that rank, nor will it affect any claim which the Navy Department or Army Department may have a right to make on the officer's services after his retirement.

3005. Resignation.

Sponsor: RAF Employment Policy

An officer who resigns his commission will not retain any air force rank, except by permission of the Defence Council under directions which the Queen may be pleased to give. It will be competent for the

Defence Council to give or withhold this privilege.

3006. Withdrawal of Permission to Retain Rank.

Sponsor: RAF Employment Policy

It will be competent for the Defence Council at their discretion to cancel any permission which may have been given to an officer to retain rank should any misconduct on his part subsequent to leaving the Service be brought to their notice.

3007. Enlistment Subsequently.

Sponsor: RAF Employment Policy

If an officer who has been granted permission to retain rank enlists in any of HM regular forces, such permission will be cancelled by notice in the London Gazette. On his exit from the force into which he was enlisted he will again be permitted to retain the rank to which he was entitled prior to enlistment, provided that his "enlisted" services have been satisfactory.

SECTION 9 - ATTRIBUTABLE BENEFITS FOR MEMBERS OF A RESERVE FORCE

3008.

Sponsor: SPP(Pens)

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

SECTION 9A – ATTRIBUTABLE BENEFITS FOR INDIVIDUALS WHO ARE RECALLED FOR REGULAR ACTIVE SERVICE

3008A. Eligibility.

Sponsor: SPP(Pens)

This section applies to Royal Air Force Retired Officers who have been recalled for a period of permanent service under Part VII of the Reserve Forces Act 1996.

3008B. Degree of Disability.

Sponsor: SPP(Pens)

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

3008C. Conditions of Award.

Sponsor: SPP(Pens)

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

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

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

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

(2) The grant and the amount of any award of Service Attributable Retired Pay or Attributable Gratuity shall be at the discretion of the Defence Council. (3) For the avoidance of doubt, an officer is not entitled to service attributable retired pay or an attributable gratuity under this Section if he is entitled to the payment of benefit under the Armed Forces Compensation Scheme (established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (c.32)) in respect of the same condition.

3008D. Service Attributable Retired Pay. *Sponsor: SPP(Pens)* (1) Where an individual is no longer able to follow his civilian occupation as the result of the disability, unless the Defence Council decide otherwise, the Higher Rate of Service Attributable Retired Pay may be awarded

according to rank for invaliding purposes and degree of disability, at the minimum rates set out in AP3392, Vol 7, Chapter 1, Leaflet 104. Such an award will be reduced by: (a) any retired pay or pension awarded under the Armed Forces Pension Scheme; (b) any benefits under an occupational pension scheme, a retirement annuity scheme or personal pension scheme awarded as a result of termination of civilian employment on account of the disability which attributable benefits are payable; or

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

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

(3) If the individual is able to follow his civilian occupation, the lower rate of Service Attributable Retired Pay may be awarded, according to the degree of disability but irrespective of rank, as set out in AP 3392, Vol 7, Chapter 1, Leaflet 104.

(4) Where an individual is granted either the higher or lower rate of Service Attributable Retired Pay under subparagraph (1) or (3) of this paragraph, the award will be adjusted upwards or downwards (but not below the rate of Service Invaliding Retired Pay to which he may otherwise be eligible under any other section) during the first 12 months following invaliding, according to the degree of disability. Thereafter the award will be adjusted only if the degree of disability rises or when it falls below 20 per cent. Where the Service Attributable Retired Pay is to be adjusted, the new rate will be paid from the day following the adjustment to the degree of disability, and will be the rate appropriate to the new degree of disability according to the pension code in force on the date the individual was invalided, increased as appropriate by any applicable pensions increase measures. Payment of Service Attributable Retired Pay will cease where the degree of disability falls below 20 per cent. However, in such a case payment of Service Retired Pay or Service Invaliding Retired Pay may continue where the officer is eligible.

(5) Where the individual is in receipt of a civilian occupational pension which is taken into account in the assessment of the award of Service Attributable Retired Pay under subparagraph (1), the increases due under pensions increase measures will be applied to the gross amount of the Service Attributable Retired Pay before deduction of the civilian occupational pension. The current rate of civilian pension, including any annuitised lump sum, plus any increase given by the Department of Work and Pensions on any Guaranteed Minimum Pension element of the civilian pension, will then be deducted from the rates of Service Attributable Retired Pay as increased by pension increase measures. Where, however, the civilian pension is an official pension which is increased by virtue of section 59 of the Social Security Pensions Act 1975, pension increase measures will be applied only to the net amount of SARP in payment unless an annuitised lump sum has featured in the calculation.

(6) An award under subparagraph (1) or (3) may not be commuted.

3008E. Attributable gratuities.

Sponsor: SPP(Pens)

(1) An individual who is awarded the higher rate of Service Attributable Retired Pay under paragraph **3008D**(1) may be awarded the higher rate of attributable gratuity if the degree of disability assessed on invaliding is 20% or more at the rates set out in AP3392, Vol 7, Chapter 1, Leaflet 104.

(2) An individual who is awarded the lower rate of Service Attributable Retired Pay under paragraph **3008D**(3) may be awarded the lower rate of attributable gratuity if the degree of disability assessed on invaliding is 20% or more at the rates set out in AP3392, Vol 7, Chapter 1, Leaflet 104.

3008F. Abatement of awards under 3008D.

Sponsor: SPP(Pens)

(1) An award under the provisions of paragraphs **3008D**(1) or **3008D**(3) may be abated to take

account of any compensation received by the individual in respect of the disability which led to the attributable invaliding following his period of recalled permanent service.

(2) If the disability was due wholly or in part to the individual's own negligence, misconduct or to any other cause within his own control, the award and amount of any Service Attributable Retired Pay under paragraphs **3008D**(1) or (3) shall be at the discretion of the Defence Council.

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

SECTION 10 - CRIMINAL INJURIES COMPENSATION OVERSEAS

3009.

Sponsor: SPP(Pens)

(1) Members of the RAF and their accompanying dependants who, outside the UK because of duty, sustain injury (including death) directly attributable to a crime of violence may be paid, ex gratia, a lump sum payment. The decision as to whether a payment may be made and, if so, the amount of it, shall be wholly within the discretion of the Defence Council.

(2) Application forms should be submitted to OC P1 at the applicant's unit. OC P1 should forward the application form together with supporting evidence to SP Pol (Pens) 3a1, Level 7, Zone J, Main Building, Whitehall, London, SW1A 2HB.

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

3010-3015. *(Omitted)*

SECTION 11 – CLOSURE OF PENSION ARRANGEMENTS AND APPLICATION TO SERVICE ON OR AFTER 6TH APRIL 2005

3015A.

Sponsor: SPP(Pens)

Subject to paragraph 3015D, the pension arrangements set out in this chapter apply to officers whose service ends before 6th April 2005 and who did not opt out of the arrangements, or who are in service on 6th April 2005 and who have not opted out of the arrangements (whether to transfer to the arrangements set out in the Armed Forces Pension Scheme established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004 or otherwise).

3015B.

Sponsor: SPP(Pens)

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

(a) officers whose service in the RAF begins on or after 6th April 2005, or, subject to paragraph 3015C, whose service given as a result of re-enlisting begins on or after 6th April 2005;

(b) officers who have previously opted out of the scheme, or who opt out of the scheme on or after 6th April 2005 (whether to transfer to the arrangements set out in the Armed Forces Pension Scheme established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004 or otherwise).

3015C.

Sponsor: SPP(Pens)

Paragraph 3015B(a) does not apply to

- (a) an officer who is recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996 and such service will be dealt with in accordance with section 2 of chapter 46;
- (b) an officer who gave service on or before 6th April 2005 who is subsequently re-employed, reinstated or re-engaged and gives further military service where the break in service is less than one month.

3015D.

Sponsor: SPP(Pens)

Paragraph 3015B does not apply to an officer who is recalled for a period of permanent service under the Reserve Forces Act 1980 or 1996 after 6th April 2005 and who dies during that service, and paragraph 3101(3A) will apply to that officer regardless of the application of these arrangements to him or his membership of the Armed Forces Pension Scheme (established under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004).

3015E.

Sponsor: SPP(Pens)

The general rules set out in paragraphs 3015A and 3015B on the application of the pension arrangements do not apply to paragraphs 2900 – 2905, paragraph 2914, the provisions relating to service attributable retired pay in Section 3, the provisions relating to service attributable invaliding gratuities and additional attributable gratuities in Section 4, Section 7 (pensions and gratuities for gallant conduct and good service), section 8 (rank on retirement, resignation etc.) and section 10 (Criminal Injuries Compensation (Overseas) Scheme).

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