



# FPS Factsheet

## Veterans in the Justice System



**The fact that a military veteran has been convicted and is in prison will not normally affect their Armed Forces pension entitlement.**

It is something they earned whilst serving and there are only a few exceptions why their benefits may be withheld, for example those convicted of treason or certain offences under the Official Secrets Act, and those who have an outstanding financial debt to the State. However, many prisoners who are veterans will qualify to receive their Armed Forces pension benefits.

If an Armed Forces pension benefit is already in payment when an individual is imprisoned, only in an exceptional circumstance (as outlined above) will it be stopped, as it is an occupational benefit. However, it is different for a War Pension which will stop when a veteran is imprisoned, and the individual will need to apply for it to be restarted when they are released.

An Armed Forces veteran who is imprisoned and not in receipt of a pension, may still be entitled to one in the future – this is known as a preserved or deferred pension.

Whether a veteran is eligible for Armed Forces pension benefits will depend on how long they served in the Armed Forces and when, but if it was for more than two years after 6 April 1988, they will likely be entitled to pension benefits at some stage. Before that date the rules are more complicated.

How much a veteran will receive and when will depend upon the pension scheme they belonged to when they were serving in the military. There are currently three pension schemes for members of the Regular Armed Forces:

**AFPS 75.** Service personnel will have been a member of this scheme if they joined the Armed Forces before 5 April 2005. In this scheme, from 6 April 1988, paid service after age 21 for officers and age 18 for non-commissioned ranks counts towards pension

**AFPS 05.** This scheme came into being on 6 April 2005. All new entrants on or after this date joined AFPS 05, and those on the previous scheme (AFPS 75) were given the opportunity to transfer into it. All paid service counts towards pension.

**AFPS 15.** This scheme was introduced on 1 April 2015. All new entrants who joined the Armed Forces after this date were enrolled into AFPS 15. All paid service counts towards pension.



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Originally all serving members who were born on or after 1 April 1967 were automatically transferred into AFPS 15 on 1 April 2015, and those born before 1 April 1967 transferred into AFPS 15 on 1 April 2022. However, this was challenged as age discrimination in the courts and resulted in the 2015 Remedy (McCloud). Everybody who transferred into AFPS 15 has protected rights in their previous pension scheme.

### The 2015 Remedy (McCloud).

The Remedy addressed that age discrimination as follows:

Anyone who was in service before **31 March 2012** and still in service after the **1 April 2015** (with any break in service of less than five years) remained on their legacy pension scheme (AFPS 75 or AFPS 05) until 31 March 2022 when those schemes finally closed and then they moved to AFPS 15.

However, they will be given a choice of which pension benefits they wish to receive for the remedy period (1 April 2015 to 31 March 2022) and will be provided with a Remediable Service Statement (RSS) outlining their entitlements under both schemes to allow them to choose the best financial option for them.

Anyone who left service between 1 April 2015 and 30 September 2023 with a pension and/or EDP in payment should receive their RSS by

- 31 Dec 25 for 'non-complex cases'
- 31 Mar 26 for 'complex cases'.

Those with a deferred pension (see below) will be provided with their RSS at the point they claim their deferred pension.



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**Veterans who left the Armed Forces after 6 April 1988 having qualified for benefits but before having been awarded a pension, will have a preserved or deferred pension. The ages at which these pensions can be claimed vary between schemes:**

**AFPS 75.** Members of AFPS 75 with service up to and including 5 April 2006 are eligible to receive pension benefits at age 60, and at age 65 for service after that date. They can claim the pension due at age 65 as early as age 60, but it will be actuarially reduced to take into account that it will be in payment for 5 years longer than would otherwise be the case.

**AFPS 05.** AFPS 05 members are eligible to receive their pension at age 65, but can claim it from age 55 at a reduced rate.

**AFPS 15.** Members of AFPS 15 qualify to receive their pension at State Pension Age, but can claim it from age 55 at a reduced rate.

All three schemes allow veterans to claim their preserved pension straight away (without reduction) if they are unable to work full time due to physical or mental ill-health.

All of these schemes are administered by Veterans UK, which is part of the Ministry of Defence. Veterans UK will not normally keep in touch with veterans before their pension benefits are due to be paid and most people leave years before that point. The onus is therefore on the individual to claim their pension benefits shortly (about 3 months) before they are due to become payable. To claim a deferred or preserved pension – either because it is due or in the case of ill-health – veterans need to complete an AFPS Form 8 ([available online](#)) and send it to Veterans UK at the address on the form. Veterans UK can be contacted by phone on 0800 085 3600 or by email at [dbs-pensionshelp@dbspv.mod.uk](mailto:dbs-pensionshelp@dbspv.mod.uk).

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If you have a question regarding any of the information in this leaflet, in the first instance, please email the Head of Pensions, Rob Morris, at the Forces Pension Society [RobertM@forpen.co.uk](mailto:RobertM@forpen.co.uk).

To find more information about the Forces Pension Society, along with details on how to join, please visit [forcespensionsociety.org](https://forcespensionsociety.org) or email the Membership Team at [memsec@forpen.co.uk](mailto:memsec@forpen.co.uk).