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STATUTORY INSTRUMENTS

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**2005 No. 439**

The Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 (Revoked 9.5.2011)

THE ARMED FORCES AND RESERVE FORCES  
(COMPENSATION SCHEME) ORDER 2005

PART I

GENERAL

1. Citation and commencement
2. Interpretation
3. Definition of “late onset illness”
4. Definition of “salary”
5. Service of documents

PART II

THE COMPENSATION SCHEME

6. The Compensation Scheme
7. Injury caused by service
8. Injury made worse by service
9. Death caused by service
10. Injury and death – inclusions
11. Injury and death - exclusions
12. Modifications of provisions for members or former members of the reserve forces and Gurkhas

PART III

BENEFITS PAYABLE FOR INJURY

13. Interpretation of Part III
14. Description of benefits – injury
15. Amount of lump sum
- 15A Amount of lump sum where 100 per cent guaranteed income payment determined
- 15B Additional multiple injury lump sum
- 15C Additional lump sum
- 15D Exception to entitlement to additional lump sum
16. Amount of guaranteed income payment
17. More than one injury - general

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18. Injury to a pair of like parts of the body
19. More than one injury to the same part of the body
20. Temporary Awards

#### PART IV

#### BENEFITS PAYABLE FOR DEATH

21. Description of benefits - death
22. Meaning of “surviving adult dependant”
23. Meaning of “eligible child”
24. Eligible child - further provisions
25. Children born after the death of a member or former member of the forces
26. Amount of survivor's guaranteed income payment
27. Amount of bereavement grant
28. Amount of child's payment
29. Awards of child's payment: later adjustment
30. Children entitled to three or more awards of child's payment

#### PART V

#### REDUCTION OF BENEFIT

31. Reduction of guaranteed income payment, survivor's guaranteed income payment and child's payment to take account of other amounts.
32. Reduction in benefit to take account of awards of damages
33. Abatement of awards in respect of Social Security benefits
34. Negligence or misconduct

#### PART VA

#### CESSATION OF BENEFIT

- 34A Cessation of guaranteed income payment and survivor's guaranteed income payment on admission to the Royal Hospital, Chelsea

#### PART VI

#### CLAIMS

35. Entitlement to benefit dependant on claim
36. Manner of making a claim
37. Cases where claims are not required
38. Date of claim
39. Time for making a claim – general
40. Time for making a claim – exceptional circumstances
41. Time for making a claim – physical or mental incapacity
42. Withdrawal or amendment of claim

#### PART VII

#### ADJUDICATION

43. Decisions
44. Interim awards
45. Reconsideration
46. Finality of decisions
47. Review on discharge on medical grounds

- 48. Review – exceptional circumstances
- 48A Review - award of damages
- 49. Review – ignorance or mistake
- 50. Burden of proof
- 51. Standard of proof
- 52. Evidence
- 53. Information and medical examination

#### PART VIII

#### PAYMENT

- 54. Date on which awards of benefit become payable
- 55. Time of payment
- 56. Suspension – an appropriate tribunal
- 57. Suspension – Social Security Commissioner and Upper Tribunal
- 58. Suspension – courts
- 59. Suspension in other cases
- 60. Payments on death

#### PART IX

#### THIRD PARTIES

- 61. Persons under 18
- 62. Persons who are mentally infirm

#### PART X

#### UP-RATING

- 63. Annual up-rating of guaranteed income payment, survivor's guaranteed income payment and child's payment
- 64. Up-rating of relevant salary for the purposes of articles 16, 26 and 28

#### PART XI

#### TRANSITORY PROVISION

- 65. Transitory provision: Coming into force of the Civil Partnership Act 2004  
Signature

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### SCHEDULE 1 — MEANING OF “SUBSTANTIAL AND EXCLUSIVE RELATIONSHIP”

#### PART I — SUBSTANTIAL RELATIONSHIP

In deciding whether a relationship of a deceased member of...

- 1. Evidence of regular financial support by the deceased.
- 2. Evidence of a valid will or life insurance policy, valid...
- 3. Evidence indicating that the deceased and the claimant were purchasing...
- 4. Evidence of a joint savings plan or joint investments of...
- 5. Evidence that the deceased and the claimant operated a joint...
- 6. Evidence of joint financial arrangements such as joint repayment of...
- 7. Evidence that the deceased or the claimant had given the...
- 8. If the deceased and the claimant lived in rented accommodation,...
- 9. Evidence that the deceased and the claimant shared responsibility for...

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10. The length of the relationship.  
PART II — EXCLUSIVE RELATIONSHIP  
A relationship is not an exclusive relationship if— one or...

SCHEDULE 2 — MODIFICATIONS FOR RESERVE FORCES

1. The following definitions are inserted in article 2(1) in the...
2. (1) For paragraph (1) of article 4 there is substituted...
- 2A For article 27 there is substituted the following—
3. For article 31 there is substituted the following article—

SCHEDULE 3 — MODIFICATIONS FOR GURKHAS WHO ARE MEMBERS OF THE GURKHA PENSION SCHEME

3. For article 31 substitute— Reduction of guaranteed income payment, survivor's...

SCHEDULE 3 — MODIFICATIONS FOR GURKHAS

4. For article 31 there is substituted—

SCHEDULE 4 — THE TARIFF

SCHEDULE 4 — THE TARIFF

- Table 1— Burns\* \*Awards for all burns include compensation for...
- Table 2 - Injury, Wounds and Scarring\* \*When applied to...
- Table 3- Mental disorders\* \*In assessing functional limitation and restriction...
- Table 4 - Physical disorders including infectious diseases\* \*Any reference...
- Table 5 – Amputations\* \*Loss of a finger means that...
- Table 6 - Neurological disorders, including spinal cord, head or...
- Table 7 - senses\* \*For the purposes of the scheme...
- Table 8 - Fractures and dislocations\* \*The tariff values for...
- Table 9 - Musco-skeletal disorders\* \*Award for an injury in...
- Table 10 Column (a) Column (b) Level Amount 1 £285,000...

SCHEDULE 5 — TABLE OF FACTORS

**Changes to legislation:**

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