

2012 No. 1573

PENSIONS

**The Armed Forces and Reserve Forces (Compensation Scheme)
(Amendment) Order 2012**

<i>Made</i> - - - -	<i>16th June 2012</i>
<i>Laid before Parliament</i>	<i>21st June 2012</i>
<i>Coming into force</i> - -	<i>21st July 2012</i>

The Secretary of State, in exercise of the powers conferred by section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 (a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2012 and comes into force on 21st July 2012.

(2) In this Order “the principal Order” means the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(b) and a reference to a numbered article, Table or Schedule is a reference to the article, Table or Schedule in the principal Order which bears that number.

Amendments to the principal Order

2. The principal Order is amended as follows.

Amendment to article 11 (injury and death – exclusions relating to travel, sport and slipping and tripping)

3. In article 11(3), substitute “(4) or (9) applies” for “(4) and (9) apply”.

Amendment to article 28 (medical expenses)

4. In article 28, omit paragraph (4).

Amendment to article 53 (reconsideration)

5. In article 53(2)—

- (a) in sub-paragraph (b) insert “or” after “27(1);”; and
- (b) omit sub-paragraph (c).

(a) 2004 c. 32.
(b) S.I. 2011/517 as amended by S.I. 2011/2552.

Amendment to article 66 (suspension – appeal from a decision of an appropriate tribunal)

6. In article 66(5), substitute “appeal is made” for “appeal. made”.

Amendment to Schedule 3 (the tariff and supplementary awards)

7. In Part 1 of Schedule 3—

- (a) in Table 2 (injury, wounds and scarring)—
 - (i) insert after item 55—

“55A 13 Freezing cold injury including skin, nail and soft tissue damage, which has caused, or is expected to cause, significant functional limitation or restriction at 26 weeks, with substantial resolution of symptoms beyond that date.”;

- (ii) insert after item 65—

“65A 14 Freezing cold injury including skin, nail and soft tissue damage, which has caused, or is expected to cause, significant functional limitation or restriction at 6 weeks, with substantial resolution of symptoms beyond that date.”;

- (iii) in footnote (a) insert “freezing cold or” before “non-freezing cold injury”.

- (b) In Table 7 (senses) insert after item 29—

“29A 12 Traumatic uveitis.”;

- (c) in Table 9 (musculoskeletal disorders) insert after item 2—

“2A 9 Traumatic back injury resulting in vertebral or intervertebral disc damage and medically verified neurological signs, which has required, or is expected to require, operative treatment and which is expected to result in permanent significant functional limitation and restriction.”.

Transitional provisions

8.—(1) Subject to paragraph (2), the amendments to the principal Order do not apply to a claim or application for review made before the day this Order comes into force.

(2) The amendments to Tables 2, 7 and 9 in paragraphs (a), (b) and (c) of article 7 of this Order apply to a claim made before the day this Order comes into force where—

- (a) the Secretary of State determines (whether before or after the coming into force of this Order) that, following the determination of a claim or application for review, a temporary award in accordance with article 26 should be made;
- (b) a descriptor of the injury (in respect of which the temporary award is made) is included in the amendments to Tables 2, 7 and 9; and
- (c) the descriptor is at the same level as the temporary award.

(3) In this article—

- (a) “claim” means a claim made in accordance with the principal Order;
- (b) “application for review” means an application for review pursuant to article 55, 56, 57 or 59.

16th June 2012

Andrew Robathan
Parliamentary Under Secretary of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (“the principal Order”) which provides for benefits to be payable to or in respect of a person by reason of injury or illness (whether physical or mental), or death, which is caused (wholly or partly) by service in the armed forces or reserve forces.

The amended article 11(3) of the principal Order makes clear that where either paragraph (4) or paragraph (9) apply, the exclusions relating to travel, sport and slipping and tripping do not apply.

Articles 28 and 53 of the principal Order are amended to provide that there is a right of reconsideration in relation to claim decisions concerning medical expenses.

Article 66(5) of the principal Order is amended to correct a minor drafting error.

Tables 2, 7 and 9 of Schedule 3 Part 1 of the principal Order are amended by the insertion of new descriptors (descriptions of injury or illness) into the tariff. The tariff lists the various forms of injury or illness for which compensation is payable, specifies a numerical tariff level and specifies for each tariff level the amount of compensation payable. Where a person sustains an injury which the Secretary of State considers is sufficiently serious to warrant an award, he may make a temporary award under article 26 of the principal Order, but must amend the tariff within one year of making the award if the award is to be made permanent. The new descriptors are the result of temporary awards having been made. The amendment to footnote (a) in Table 2 is consequential upon the insertion of new descriptors in Table 2.

Article 10 of this Order makes transitional provisions. The new descriptors do not apply where a claim or application for review is made before the day this Order comes into force, unless they describe injuries for which a temporary award is made.

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STATUTORY INSTRUMENTS

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