
STATUTORY INSTRUMENTS

2005 No. 439

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

PART VII

ADJUDICATION

Review - award of damages

48A.—(1) This article applies where—

- (a) the Secretary of State has made an award of benefit to a person;
- (b) the person has recovered damages in respect of the injury or death for which the award of benefit is payable; and
- (c) the Secretary of State is satisfied that benefit payable under the Order has not been taken into account in the assessment of the damages.

(2) On a review under this article the Secretary of State may—

- (a) revise a decision—
 - (i) given under article 43,
 - (ii) revised under article 45, 47, 48 or 49, or
 - (iii) relating to benefit made by the First-tier Tribunal, a Pension Appeal Tribunal, the Upper Tribunal, an appropriate Social Security Commissioner or a court,in each case by withholding or reducing the amount of the award so as to cancel the award of benefit.

(3) The decision of the Secretary of State on a review under this article and the reasons for the decision shall be in writing and shall be given or sent to the claimant who shall, at the same time, be informed of the right—

- (a) to a reconsideration of the decision under article 45; and
- (b) to appeal to the appropriate tribunal under section 5A(1) of the Pensions Appeal Tribunals Act 1943 ^{M1}.

(4) In this article “damages” has the meaning given in article 32(2).

Marginal Citations

M1 1943 c. 39, **section 5A(1A)** was inserted by the [Armed Forces \(Pensions and Compensation\) Act 2004](#) (c. 32), **section 5** and Schedule 1, paragraph 2.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 (Revoked 9.5.2011), Section 48A.