
STATUTORY INSTRUMENTS

2005 No. 439

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

PART II

THE COMPENSATION SCHEME

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Death caused by service

9.—(1) Benefit is payable in accordance with this Order in respect of a member or former member of the forces by reason of his death where—

- (a) the death was caused (wholly or partly) by service;
- (b) the cause of the death occurred on or after 6th April 2005; and
- (c) one of the conditions specified in paragraph (3) is satisfied.

(2) Where the death is not wholly caused by service, benefit is only payable if service is predominant cause of the death.

(3) The conditions referred to in paragraph (1) are that the death—

- (a) occurred in service;
- (b) occurred within the period of 7 years beginning with the day on which service ends and was caused by:
 - (i) an injury which was caused by service, or
 - (ii) the worsening by service of an injury which existed before or arose during service and which was not caused by service; or
- (c) occurred more than 7 years after the day on which service ends and—
 - (i) the death is caused by a late onset illness which was caused by service, or
 - (ii) the predominant cause of the death is an injury for which an award of injury benefit has been made where the lump sum fell within levels 1 to 9 of the tariff.

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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), PART II.