

2008 No. 2160

PENSIONS

**The Armed Forces and Reserve Forces (Compensation Scheme)
(Amendment No. 2) Order 2008**

Made - - - - - *12th August 2008*
Laid before Parliament *14th August 2008*
Coming into force - - - *16th September 2008*

The Secretary of State, in exercise of the powers conferred by sections 1(2) and 10(2) and (3) 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 No. 2) Order 2008 and shall come into force on 16th September 2008.

(2) In this Order “the principal Order” means the Armed Forces and Reserve Forces (Compensation) Scheme Order 2005(b).

Amendment of article 20 of the principal Order (temporary awards)

2. Article 20 of the principal Order (temporary awards) is amended as follows—

- (a) in paragraph (1)(a) after ‘tariff’ insert “in force on the date on which the claim for benefit was made”;
- (b) in paragraph (4) before “If the Secretary” insert “Except where paragraph (6) applies”;
- (c) after paragraph (4) insert—

“(5) Where paragraph (6) applies the Secretary of State shall—

- (a) issue a decision making a permanent award of benefit in favour of the claimant, which award shall take effect from the day on which the temporary award was made; and
- (b) guaranteed income payment shall continue to be paid in accordance with this Order.

(6) This paragraph applies where the Secretary of State has, in the period since the date on which the claim for benefit was made and before he made a temporary award in respect of that person, amended this Order by —

- (a) including an injury of a description which is the same as the injury in respect of which the temporary award was made; and

(a) 2004 c.32.

(b) S.I. 2005/439, amended by S.I. 2006/1438, S.I. 2007/2609 and S.I. 2008/39.

- (b) which is at the same level of the tariff in respect of which the temporary award was made.”.

Amendment of Schedule 4 (the Tariff) to the principal Order

3.—(1) For Tables 1 – 9 of Schedule 4 (the Tariff) to the principal Order substitute—

“Table 1 - Burns(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	4	Burns, with deep second degree, third degree, or full thickness burns affecting 70 per cent or more of whole body surface area.
2.	5	Burns, with deep second degree, third degree, or full thickness burns affecting 50 to 69.9 per cent of whole body surface area.
3.	6	Burns, with deep second degree, third degree, or full thickness burns affecting 15 to 49.9 per cent of whole body surface area.
4.	6	Burns, with deep second degree, third degree, or full thickness burns to the face or face and neck including one or more of the following: loss of or very severe damage to chin, ear, lip or nose, resulting in or expected to result in residual scarring and poor cosmetic outcome despite treatment and camouflage.
5.	7	Burns, with deep second degree, third degree, or full thickness burns to the face or face and neck resulting in or expected to result in residual scarring and poor cosmetic results despite treatment and camouflage.
6.	8	Burns, with deep second degree, third degree, or full thickness burns affecting 9 to 14.9 per cent of whole body surface area.
7.	9	Burns, with deep second degree, third degree, or full thickness burns to the face or face and neck resulting in or expected to result in residual scarring and satisfactory cosmetic results with camouflage.
8.	11	Burns, with deep second degree, third degree, or full thickness burns affecting 4.5 to 8.9 per cent of whole body surface area.
9.	12	Burns, with deep second degree, third degree, or full thickness burns affecting less than 4.5 per cent of whole body surface area.
10.	12	Burns, with first degree or superficial second degree burns affecting more than 15 per cent of whole body surface area.
11.	13	Burns, with first degree or superficial second degree burns to the face or face and neck.
12.	14	Burns, with first degree or superficial second degree burns affecting 4.5 to 15 per cent of whole body surface area.
13.	15	Burns, with first degree or superficial second degree burns affecting 1 to 4.4 per cent of whole body surface area.

(*) Awards for all burns include compensation for any residual scarring or pigmentation and take into account any skin grafting.

(*) Awards for deep second degree, third degree or full thickness burns include compensation for actual or expected metabolic or cardiovascular consequences.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

Table 2 – Injury, Wounds and Scarring(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	5	Complex injury covering all or most of the area from thigh to ankle or shoulder to wrist, with complications, causing permanent significant functional limitation and restriction.
2.	5	Loss of both kidneys or chronic renal failure.
3.	6	Complex injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, with complications, causing permanent significant functional limitation and restriction.
4.	6	Injury covering all or most of the area from thigh to ankle or shoulder to wrist, with complications, causing permanent significant functional limitation and restriction.
5.	6	Complex injury to chest, with complications, causing permanent significant functional limitation and restriction.
6.	7	Complex injury covering all or most of the area from thigh to ankle or shoulder to wrist, causing permanent significant functional limitation and restriction.
7.	7	Injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, with complications, causing permanent significant functional limitation and restriction.
8.	7	Injury to chest, with complications, causing permanent significant functional limitation and restriction.
9.	7	Complex injury to chest causing permanent significant functional limitation and restriction
10.	7	Complex injury to abdomen, including pelvis, with complications, causing permanent significant functional limitation and restriction.
11.	7	Severe facial lacerations including one or more of the following: loss of or very severe damage to chin, ear, lip or nose, which produce poor cosmetic result despite camouflage and have required, or are expected to require, operative treatment.
12.	8	Injury covering all or most of the area from thigh to ankle or shoulder to wrist, causing permanent significant functional limitation and restriction.
13.	8	Complex injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, causing permanent significant functional limitation and restriction.
14.	8	Severe facial lacerations which produce poor cosmetic result despite camouflage and have required, or are expected to require, operative treatment.
15.	8	Injury to abdomen, including pelvis, with complications, causing permanent significant functional limitation and restriction.
16.	8	Complex injury to abdomen, including pelvis, causing permanent significant functional limitation and restriction.
17.	8	Injury to chest, causing permanent significant functional limitation and restriction.

18.	9	Injury to abdomen, including pelvis, causing permanent significant functional limitation and restriction.
19.	9	Injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, causing permanent significant functional limitation and restriction.
20.	9	Complex injury covering all or most of the hand, with complications, causing permanent significant functional limitation and restriction.
21.	10	Serious permanent damage to, or loss of, one kidney.
22.	10	Severe facial lacerations which have required, or are expected to require, operative treatment resulting in or expected to result in a satisfactory cosmetic result.
23.	10	Complex injury covering all or most of the area from thigh to ankle or shoulder to wrist, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
24.	10	Complex injury to chest, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
25.	10	Complex injury covering all or most of the foot, with complications, causing permanent significant functional limitation and restriction.
26.	11	Complex injury covering all or most of the area from thigh to ankle or shoulder to wrist, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
27.	11	Traumatic damage to spleen which has required splenectomy and where there is, or where there is a high risk of, overwhelming post-splenectomy infection.
28.	11	Severe facial scarring which produces a poor cosmetic result despite camouflage.
29.	11	High velocity gun shot wound, deep shrapnel fragmentation or one or more puncture wounds (or all or any combination of these injuries) to the head and neck, chest, back, abdomen or limb, with damage to one or more vital structures causing permanent significant functional limitation and restriction.
30.	11	Complex injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
31.	11	Injury covering all or most of the area from thigh to ankle or shoulder to wrist, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
32.	11	Complex injury to chest, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
33.	11	Complex injury to abdomen, including pelvis, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
34.	11	Complex injury covering all or most of the hand, with complications, causing or expected to cause significant

- functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
35. 12 Complex injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
36. 12 Severe scarring of face, or face and neck, or neck, scalp, torso or limb, where camouflage produces a good cosmetic result.
37. 12 Injury to chest, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
38. 12 Injury covering all or most of the area from thigh to ankle or shoulder to wrist, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
39. 12 High velocity gun shot wound, deep shrapnel fragmentation or one or more puncture wounds (or all or any combination of these injuries) to the head and neck, chest, back, abdomen or limb with substantial recovery.
40. 12 Traumatic injury to genitalia requiring treatment resulting in severe permanent damage or loss.
41. 12 Injury covering all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
42. 12 Complex injury to abdomen, including pelvis, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
43. 12 Complex injury covering all or most of the foot, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
44. 13 Injury to abdomen, including pelvis, with complications, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
45. 13 Injury to all or most of the area from thigh to knee, knee to ankle, shoulder to elbow or elbow to wrist, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
46. 13 Injury to chest, causing or expected to cause significant functional limitation and restriction at 26 weeks, where the claimant has made or is expected to make a substantial recovery beyond that date.
47. 13 Moderate facial scarring where camouflage produces a good cosmetic result.
48. 13 Lung damage due to toxic fumes, smoke inhalation or blast, where symptoms have continued, or are expected to continue beyond 6 weeks and where the claimant has made or is expected to make a substantial recovery within 26 weeks.
49. 13 Traumatic tension or open pneumothorax.

50.	13	Superficial shrapnel fragmentation or one or more puncture wounds (or both such injuries) to head and neck, torso or limb which have required, or are expected to require, operative treatment.
51.	13	Fractured tooth which has required, or is expected to require, root resection.
52.	13	Loss of two or more front teeth.
53.	14	Injury to abdomen including pelvis, causing or expected to cause significant functional limitation and restriction at 26 weeks, with substantial recovery beyond that date.
54.	14	Moderate scarring of scalp, neck, torso or limbs where camouflage produces a good cosmetic result.
55.	14	Minor facial scarring.
56.	14	Flesh wound which has required, or is expected to require, operative treatment.
57.	14	Traumatic injury to genitalia requiring treatment resulting in moderate permanent damage.
58.	14	Damage to one front tooth which has required, or is expected to require, a crown or root canal surgery.
59.	14	Damage to two or more teeth other than front which have required, or are expected to require, crowns or root canal surgery.
60.	14	Loss of one front tooth.
61.	14	Loss of two or more teeth other than front.
62.	14	Cold injury with persisting symptoms and significant functional limitation and restriction.
63.	15	Minor scarring of scalp, neck, torso or limbs.
64.	15	Injury to abdomen, including pelvis, causing or expected to cause significant functional limitation and restriction at 13 weeks, with substantial recovery within 26 weeks.
65.	15	Shrapnel fragmentation or one or more puncture wounds (or both such injuries) to head and neck, torso or limb not requiring operative treatment.
66.	15	Cold injury which has caused, or is expected to cause, symptoms and significant functional limitation and restriction at 6 weeks, with substantial recovery beyond that date.

(*) When applied to limb injuries the expression “complex injury” means that the injury affects all or most of the following structures: skin, subcutaneous tissues, muscle, bone, blood vessels and nerves.

(*) When applied to limb injuries the expression “with complications” means that the injury is complicated by at least one of septicaemia, osteomyelitis, clinically significant vascular or neurological injury, avascular necrosis, gross shortening of the limb, mal-united or non-united fracture, or the fact that the claimant has required, or is expected to require, a bone graft.

(*) When applied to chest and abdominal (including pelvis) injuries the expression “complex injury” means that there is clinically significant damage to vital structures and organs including two or more of the following: trachea, lungs, heart, gastrointestinal tract, great vessels, diaphragm, chest or abdominal wall, pelvic floor, liver, pancreas, kidneys, bladder, spleen or ovaries.

(*) When applied to chest and abdominal (including pelvis) injuries the expression “with complications” means that management of the injury has required two or more of the following: resuscitation, ventilation, thoracic or abdominal drainage, a laparotomy with repair and/or removal of organs and structures.

(*) Any award for injury to limbs, back, chest or abdomen includes compensation for related scarring and damage to, or removal of structures (including skin, subcutaneous tissue, muscle, bone, tendons, ligaments, blood vessels and nerves).

- (*) Any references to duration of effects in column (b) are from date of injury or onset of illness.
- (*) When applied to any injury, the expression “vital structures” includes major nerve or blood vessels.
- (*) When applied to any injury, the term “torso” means any part of the chest, abdomen or back.
- (*) When applied to any injury, the expression “functional limitation and restriction” means difficulty in executing an activity or requirement to avoid an activity because of the risk of recurrence, delayed recovery or injury to self or others as a direct result of the injury itself.
- (*) When applied to any limb, the expression “injury covering all or most of the area” means external injury causing direct damage to contiguous areas of the limb circumference. In the case of a lower limb this may include direct damage to the buttocks.
- (*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

Table 3 - Mental disorders(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	8	Permanent mental disorder, causing severe functional limitation and restriction.
2.	9	Permanent mental disorder, causing moderate functional limitation and restriction.
3.	10	Mental disorder, causing functional limitation and restriction, which has continued, or is expected to continue for 5 years.
4.	12	Mental disorder, which has caused or is expected to cause functional limitation and restriction at 2 years, from which the claimant has made, or is expected to make, a substantial recovery within 5 years.
5.	13	Mental disorder, which has caused, or is expected to cause, functional limitation and restriction at 26 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 2 years.
6.	14	Mental disorder, which has caused or is expected to cause, functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.

- (*) When applied to any disorder, the expression “functional limitation and restriction” means difficulty in executing an activity or requirement to avoid an activity because of the risk of recurrence, or of delayed recovery or of injury to self or others as a direct result of the disorder itself.
- (*) In assessing functional limitation and restriction for mental disorders account shall be taken of psychological, social and occupational function.
- (*) Functional limitation and restriction is likely to be severe where symptoms or behaviours include mania, delusions, hallucinations, severe depression with suicidal preoccupations or abnormal rituals.
- (*) Mental disorders must be diagnosed by a relevant accredited medical specialist.
- (*) Any references to duration of effects in column (b) are from date of injury or onset of illness.

Table 4 – Physical disorders including infectious diseases(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	6	Physical disorder causing severe functional limitation and restriction where life expectancy is less than five years.
2.	7	Physical disorder causing severe functional limitation and restriction where life expectancy is reduced, but is more than

		5 years.
3.	8	Infertility.
4.	9	Physical disorder causing permanent severe functional limitation and restriction.
5.	11	Physical disorder which has caused, or is expected to cause severe functional limitation and restriction at 26 weeks from which the claimant has made, or is expected to make, a substantial recovery beyond that date.
6.	11	Physical disorder causing permanent moderate functional limitation and restriction.
7.	13	Physical disorder which has caused, or is expected to cause, severe functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
8.	13	Physical disorder which has caused, or is expected to cause, moderate functional limitation and restriction at 26 weeks, from which the claimant has made, or is expected to make, a substantial recovery beyond that date.
9.	14	Physical disorder which has caused, or is expected to cause, severe functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
10.	14	Physical disorder which has caused, or is expected to cause, moderate functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
11.	15	Physical disorder which has caused, or is expected to cause, moderate functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.

(*) Any references to duration of effects in column (b) are from date of injury or onset of illness.

(*) When applied to any disorder, the expression “functional limitation and restriction” means difficulty in executing an activity or requirement to avoid an activity because of the risk of recurrence, or of delayed recovery, or of injury to self or others, as a direct result of the disorder itself.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

Table 5 - Amputations(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	1	Loss of both legs (above or below knee) and both arms (above or below elbow).
2.	1	Loss of both eyes or sight in both eyes and loss of either both legs (above or below knee), or both arms (above or below elbow).
3.	1	Total deafness and loss of either both legs or both arms.
4.	2	Loss of both legs above knee (hip disarticulation or hemipelvectomy).
5.	2	Loss of both arms above elbow (shoulder disarticulation or forequarter).
6.	2	Loss of both legs above or below knee (not hip disarticulation or hemipelvectomy) and one arm (above or below elbow).
7.	2	Loss of both arms above or below elbow (not shoulder

		disarticulation or forequarter) and one leg (above or below knee).
8.	3	Loss of both legs at or above knee (trans-femoral or knee disarticulation).
9.	3	Loss of both arms at or above elbow (trans-humeral or elbow disarticulation).
10.	3	Loss of one leg above knee (hip disarticulation or hemipelvectomy).
11.	3	Loss of one arm above elbow (shoulder disarticulation or forequarter).
12.	4	Loss of both legs below knee (trans-tibial).
13.	4	Loss of both arms below elbow (trans-radial).
14.	4	Loss of both hands (wrist disarticulation) or where amputation distal to that site has led to permanent total loss of use of both hands.
15.	5	Loss of both feet at ankle or where amputation distal to that site has led to permanent total loss of use of both feet.
16.	5	Loss of one leg at or above knee (trans-femoral or knee disarticulation).
17.	5	Loss of one arm at or above elbow (trans-humeral or elbow disarticulation).
18.	6	Loss of one leg below knee (trans-tibial).
19.	6	Loss of one arm below elbow (trans-radial).
20.	6	Loss of one hand (wrist disarticulation) or where amputation distal to that site has led to permanent total loss of use of one hand.
21.	7	Loss of both thumbs.
22.	8	Loss of one foot at ankle or where amputation distal to that site has led to permanent total loss of use of foot.
23.	10	Loss of both great toes.
24.	10	Loss of thumb.
25.	10	Loss of both index fingers.
26.	10	Loss of two or more fingers, other than thumb or index finger, from each hand.
27.	10	Partial loss of thumb and index finger from each hand.
28.	11	Loss of two or more fingers, other than thumb or index finger, from one hand.
29.	12	Loss of great toe.
30.	12	Loss of two or more toes, other than great toe, from each foot.
31.	12	Loss of index finger from one hand.
32.	12	Partial loss of thumb and index finger from one hand.
33.	12	Partial loss of two or more fingers, other than thumb or index finger, from each hand.
34.	12	Loss of finger, other than thumb or index finger, from each hand.
35.	12	Partial loss of thumb or index finger from each hand.
36.	12	Persistent phantom limb pain.
37.	12	Stump neuroma with trigger point stump pain.
38.	13	Loss of two or more toes, other than great toe, from one foot.
39.	13	Partial loss of each great toe.
40.	13	Partial loss of one finger, other than thumb or index finger, from each hand.
41.	13	Loss of one finger, other than thumb or index finger, from

		one hand.
42.	13	Partial loss of two or more fingers, other than thumb or index finger, from one hand.
43.	13	Partial loss of thumb or index finger from one hand.
44.	14	Partial loss of great toe from one foot.
45.	14	Loss of one toe, other than great toe, from each foot.
46.	14	Partial loss of one finger, other than thumb or index finger, from one hand.
47.	15	Loss of one toe, other than great toe, from one foot.

(*) Loss of a finger or thumb means that amputation has taken place at the metacarpophalangeal joint.

(*) Loss of a toe means that amputation has taken place at the metatarsophalangeal joint.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

Table 6 - Neurological disorders, including spinal cord, head or brain injuries (*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	1	Spinal cord injury, at or above vertebra C3.
2.	1	Brain injury with persistent vegetative state. ^(a)
3.	1	Brain injury where epilepsy is present (or where there is a high risk of epilepsy) and the claimant has reflex activity but has little or no meaningful response to the environment, no language, double incontinence and requires full-time skilled nursing care. ^(b)
4.	2	Spinal cord injury at vertebra C4, C5 or C6.
5.	3	Spinal cord injury at vertebra C7, C8 or T1.
6.	3	Brain injury where epilepsy is present (or where there is a high risk of epilepsy) where the claimant has limited response to the environment; substantial physical and sensory problems; one or more of cognitive, personality or behavioural problems and requires regular skilled nursing care. ^(c)
7.	4	Spinal cord injury at vertebra T2 to T6.
8.	4	Brain injury where epilepsy is present (or where there is a high risk of epilepsy) where the claimant has some limitation on response to the environment; some physical and sensory problems; and one or more of cognitive, personality or behavioural problems but does not require skilled nursing care. ^(d)
9.	4	Uncontrolled post head injury epilepsy.
10.	5	Spinal cord injury at vertebra T7 to T10.
11.	5	Hemiplegia.
12.	5	Brain injury with some risk of epilepsy, where the claimant has moderate physical or sensory problems; one or more of cognitive, personality or behavioural problems and requires some help from others with activities of everyday living but not personal or nursing care. ^(d)
13.	6	Spinal cord injury at vertebra T11 to L1.
14.	7	Spinal cord injury at vertebra below L1.
15.	7	Brain injury with some persisting physical or sensory problems; one or more of cognitive, personality or behavioural problems and requires occasional help from others with activities of everyday living ^{(d) or (e)} .

16.	9	Permanent upper limb paralysis due to traumatic damage to brachial plexus – pre-ganglionic.
17.	9	Permanent isolated damage to one cranial nerve.
18.	10	Permanent foot or wrist drop.
19.	11	Brain injury from which the claimant has made, or is expected to make, a substantial recovery beyond 26 weeks, except for residual objectively verified vertigo ^(f) .
20.	11	Brain haemorrhage or stroke which has caused, or is expected to cause, persistent significant functional limitation and restriction at 26 weeks, but where there has been, or is expected to be, a substantial recovery beyond that date.
21.	11	Brain injury from which the claimant has made a substantial recovery and is able to resume work and social life with no significant physical, sensory or cognitive deficits but some residual problems with concentration and memory, disinhibited mood, personality change or depression.
22.	11	Minor head injury which has caused, or is expected to cause, functionally limiting or restricting impaired balance or post traumatic syndrome for more than 52 weeks.
23.	12	Controlled post head injury epilepsy.
24.	12	Permanent substantial peripheral motor sensory or autonomic nerve damage.
25.	12	Entrapment neuropathy which has not responded to treatment.
26.	12	Permanent upper limb paralysis due to traumatic damage to brachial plexus – post-ganglionic.
27.	13	Permanent facial numbness including lip.
28.	13	Entrapment neuropathy which has responded, or is expected to respond, to treatment.
29.	13	Minor head injury which has caused, or is expected to cause, functionally limiting or restricting impaired balance or post-traumatic syndrome for more than 6 weeks, with substantial recovery beyond that date.
30.	14	Permanent facial numbness which does not include the lip.
31.	15	Permanent minor peripheral sensory nerve damage.

(*) An award for brain injury in levels 1, 3 or 4 includes compensation for associated epilepsy.

(*) Any references to duration of effects in column (b) are from date of injury or onset of illness.

(*) When applied to any injury or disorder, the expression “functional limitation and restriction” or “functionally limiting or restricting” means difficulty in executing an activity or requirement to avoid an activity because of the risk of recurrence, or of delayed recovery or of injury to self or to others as a direct result of the injury or disorder itself.

(*) Spinal cord injury – the level of spinal cord injury is the lowest intact spinal cord segment. An award for a spinal cord injury includes compensation for long-term neurological consequences, muscle spasms and effects on skin, spine, joints, bladder, bowel and sexual function and the cardiovascular and respiratory systems.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

(a) The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of less than 5.

(b) The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of less than 5.

(c) The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of 6-8.

(d) The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of 9-12.

(e) The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of 13-15.

(f) The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of 13-15.

Table 7 - senses(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	1	Total deafness and loss of both eyes, or total deafness and total blindness in both eyes, or total deafness and loss of one eye and total blindness in the other eye.
2.	2	Loss of eyes.
3.	2	Total blindness in both eyes.
4.	2	Loss of one eye and total blindness in the other eye.
5.	5	Loss of one eye and permanent damage to the other eye, where visual acuity is correctable to 6/36.
6.	6	Total deafness in both ears.
7.	6	Severe binocular visual field loss.
8.	8	Loss of one eye or total blindness in one eye.
9.	9	Bilateral permanent hearing loss of more than 75dB averaged over 1, 2 and 3kHz, with severe persistent tinnitus.
10.	9	Partial loss of vision where visual acuity is correctable to 6/60.
11.	9	Permanent and inoperable cataracts in both eyes.
12.	10	Total deafness in one ear.
13.	10	Partial loss of vision where visual acuity is correctable to better than 6/60 and at least 6/36.
14.	10	Bilateral permanent hearing loss of more than 75dB averaged over 1, 2 and 3kHz, with mild or no tinnitus.
15.	10	Detached retina in both eyes.
16.	11	Bilateral permanent hearing loss of 50–75dB averaged over 1, 2 and 3kHz, with severe tinnitus.
17.	11	Partial loss of vision where visual acuity is correctable to better than 6/36 and at least 6/18.
18.	11	Blast injury to ears with permanent sensorineural hearing loss in one ear of over 75dB averaged over 1, 2 and 3 kHz with severe persistent tinnitus.
19.	12	Partial loss of vision where visual acuity is correctable to better than 6/18 and at least 6/12.
20.	12	Permanent and inoperable cataract in one eye.
21.	12	Operable cataracts in both eyes.
22.	12	Moderate binocular visual field loss.
23.	12	Detached retina in one eye.
24.	12	Blast injury to ears with permanent sensorineural hearing loss in one ear of 50-75dB averaged over 1, 2 and 3 kHz with severe persistent tinnitus.
25.	12	Blast injury to ears with permanent sensorineural hearing loss in one ear of over 75dB averaged over 1, 2 and 3 kHz with mild or no tinnitus.
26.	13	Bilateral permanent hearing loss of 50–75dB averaged over 1, 2 and 3kHz, with mild or no tinnitus.
27.	13	Significant penetrating injury to both eyes.
28.	13	Retinal damage (not detached) to both eyes.
29.	13	Partial loss of vision where visual acuity is correctable to better than 6/12.
30.	13	Dislocation of lens in one eye.
31.	13	Degeneration of optic nerve in both eyes.
32.	13	Permanent diplopia.
33.	13	Blast injury to ears with permanent sensorineural hearing

		loss in one ear of 50-75dB averaged over 1, 2 and 3 kHz with mild or no tinnitus.
34.	14	Blast injury to ears.
35.	14	Diplopia which is present, or is expected to be present, at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery beyond that date.
36.	14	Operable cataract in one eye.
37.	14	Corneal abrasions in both eyes.
38.	14	Hyphaema in both eyes which has required, or is expected to require, operative treatment.
39.	14	Retinal damage (not detached) in one eye.
40.	14	Significant penetrating injury in one eye.
41.	14	Degeneration of optic nerve in one eye.
42.	14	Slight binocular visual field loss.
43.	15	Diplopia which is present, or is expected to be present, at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery beyond that date.
44.	15	Corneal abrasions in one eye.
45.	15	Hyphaema in one eye which has required, or is expected to require, operative treatment.

(*) For the purposes of the Scheme the following definitions apply:

“Total blindness in both eyes” means that the claimant must have been diagnosed as being blind by an accredited medical specialist and have a visual acuity of 3/60 or worse in both eyes;

“Total blindness in one eye” means that the claimant must have been diagnosed by an accredited medical specialist and have a visual acuity of 3/60 or worse in the affected eye;

“Total deafness” means that the claimant’s bilateral average hearing threshold level is 90dB or more averaged over 1, 2 and 3 kHz as measured by appropriately calibrated equipment meeting British Standards, and using quality assured pure tone audiometry;

“Total deafness in one ear” means that the average hearing threshold is 90dB or more averaged over 1, 2 and 3 kHz as measured by appropriately calibrated equipment meeting British Standards and using quality assured pure tone audiometry.

(*) Degree of visual field loss should be assessed by reference to an accredited specialist physician report which includes reasons.

(*) The tariff values for blast injury to ears apply where the tympanic membrane is intact. Where the tympanic membrane is perforated the award shall be increased by £1000.

(*) Any references to duration of effects in column (b) are from date of injury or onset of illness.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

Table 8 – Fractures and dislocations(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	10	Fractured heels of both feet causing permanent significant functional limitation and restriction.
2.	10	Fractures or dislocations of both hips, both ankles, both knees, both shoulders, both elbows or both wrists causing permanent significant functional limitation and restriction.
3.	10	Multiple face fractures causing permanent significant cosmetic effect and functional limitation and restriction despite treatment.
4.	11	Fractures or dislocations of both hips, both ankles, both knees, both shoulders, both elbows or both wrists which have caused, or are expected to cause, significant functional limitation and restriction at 26 weeks, from which the

- claimant has made, or is expected to make a substantial recovery beyond that date.
5. 11 Fractured heel of one foot causing permanent significant functional limitation and restriction.
 6. 11 Fractured heel of each foot which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 7. 11 Fracture of pelvis which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 8. 11 Fracture or dislocation of great toe, of each foot, which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 9. 11 Fractured tarsal bones of each foot which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 10. 11 Fractures of both femurs, both tibiae, both humeri, both ulnae or both radii which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
 11. 11 Multiple fractures to face, or face and neck where treatment has led, or is expected to lead, to a good cosmetic and functional outcome.
 12. 11 Fracture or dislocation of one hip, elbow, wrist, ankle, knee or shoulder causing permanent significant functional limitation and restriction.
 13. 12 Fracture of one humerus, femur, radius, ulna or tibia which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 14. 12 Fracture of mandible or maxilla which has required or is expected to require operative treatment and which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 15. 12 Fracture of each hand which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 16. 12 Fracture of each clavicle or each scapula which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 17. 12 Fracture of the skull with sub-dural or extra-dural haematoma which has required evacuation, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
 18. 12 Fracture or dislocation of thumb of each hand which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 19. 12 Fracture or dislocation of one hip, elbow, wrist, ankle, knee or shoulder which has caused, or is expected to cause, significant functional limitation and restriction at 26 weeks, with recovery beyond that date.
 20. 12 Fracture or dislocation of index finger on each hand which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
 21. 12 Fracture or dislocation of great toe on one foot which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.

22.	12	Fractured tarsal bones on one foot which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
23.	12	Fractured heel of one foot which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
24.	12	Fractured heel of each foot from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
25.	12	Fractured or dislocated patella on each knee which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
26.	12	Fractured metatarsal bones on each foot which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
27.	12	Fractures of both femurs, both ulnae, both tibiae, both humeri or both radii from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
28.	13	Fractured tarsal or metatarsal bones on each foot from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
29.	13	Fractured metatarsal bones on one foot which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
30.	13	Fracture or dislocation of great toe of each foot from which the claimant has made or is expected to make a substantial recovery within 26 weeks.
31.	13	Fracture of one femur, ulna, tibia, humerus or radius from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
32.	13	Fracture of skull with sub-dural or extra-dural haematoma which has not required evacuation.
33.	13	Fracture of ethmoid which has required or is expected to require operative treatment.
34.	13	Fracture of zygoma which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
35.	13	Fracture or dislocation of one hip, ankle, knee, shoulder, elbow or wrist from which the claimant has made or is expected to make a substantial recovery within 26 weeks.
36.	13	Fracture of one hand which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
37.	13	Fractured heel of one foot, from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
38.	13	Fracture of each hand from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
39.	13	Blow-out fracture of orbit which has required, or is expected to require, operative treatment.
40.	13	Dislocated jaw which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
41.	13	Fracture of scapula or clavicle which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.

42. 13 Fracture of each clavicle or each scapula from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
43. 13 Fracture of pelvis from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
44. 13 Fracture of sternum which has, or is expected to have, symptoms continuing beyond 26 weeks.
45. 13 Fractures or dislocations of two or more toes, other than great, of each foot which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
46. 13 Fracture or dislocation of thumb on one hand which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
47. 13 Fracture or dislocation of thumb of each hand which have caused, or are expected to cause, significant functional limitation and restriction at 13 weeks from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
48. 13 Fracture or dislocation of index finger on each hand, which have caused, or are expected to cause, significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
49. 13 Fractures or dislocations of two or more fingers, other than index, on each hand, which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
50. 13 Fracture or dislocation of index finger on one hand which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
51. 13 Fractured or dislocated patella of one knee which has caused, or is expected to cause significant functional limitation beyond 26 weeks.
52. 14 Dislocated jaw from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
53. 14 Fractured zygoma from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
54. 14 Fractured ethmoid which has not, or is not expected to require, operative treatment.
55. 14 Fracture of mandible or maxilla from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
56. 14 Fracture of hand from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
57. 14 Deviated nasal septum requiring corrective surgery.
58. 14 Displaced fracture of nasal bones.
59. 14 Simple skull fracture.
60. 14 Fractured fibula which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
61. 14 Fracture or dislocation of thumb on one hand which has caused, or is expected to cause, significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.

62.	14	Fracture or dislocation of index finger, on one hand, which has caused, or is expected to cause, significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
63.	14	Fracture or dislocation of one finger, other than index, on each hand, which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
64.	14	Fractures or dislocations of two or more fingers, other than index, on one hand, which have caused, or are expected to cause significant functional limitation and restriction beyond 26 weeks.
65.	14	Fractures or dislocations of two or more fingers, other than index, on each hand which have caused, or are expected to cause, significant functional limitation and restriction beyond 13 weeks from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
66.	14	Fractures or dislocations of two or more toes, other than great toe, on one foot, which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
67.	14	Fractures or dislocations of one toe other than great toe, on each foot, which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
68.	14	Fractures or dislocations of two or more toes, other than great toe, on each foot, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
69.	14	Fracture or dislocation of great toe from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
70.	14	Fracture or dislocation of index finger on each hand, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
71.	14	Fracture or dislocation of thumb on each hand, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
72.	14	Subluxed acromio-clavicular joint from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
73.	14	Fracture of coccyx from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
74.	14	Fracture of clavicle or scapula from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
75.	14	Fracture of sternum from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
76.	14	Fractured tarsal or metatarsal bones on one foot which have caused, or are expected to cause, significant functional limitation and restriction at 13 weeks from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
77.	14	Fractured or dislocated patella of each knee which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant

		has made, or is expected to make, a substantial recovery within 26 weeks.
78.	14	Stress fracture where symptoms have lasted, or are expected to last, for more than 6 weeks, where the claimant has made, or is expected to make, a substantial recovery beyond that date.
79.	15	Fracture of mastoid.
80.	15	Undisplaced fracture of nasal bones.
81.	15	Deviated nasal septum which has not required, or is not expected to require, operative treatment.
82.	15	Fractured or dislocated patella of one knee which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
83.	15	Fracture of three or more ribs.
84.	15	Fractures or dislocations of two or more toes, on one foot, which have caused, or are expected to cause significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
85.	15	Fractures or dislocations of one toe, other than great toe, on each foot, which have caused, or are expected to cause significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
86.	15	Fracture or dislocation of thumb from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
87.	15	Fractured tarsal or metatarsal bone on one foot, which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
88.	15	Fracture or dislocation of two or more fingers, other than index, on one hand which has caused, or is expected to cause, significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
89.	15	Fracture or dislocation of two or more fingers, other than index, on each hand, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
90.	15	Fracture or dislocation of one finger, other than index, on each hand, which has caused, or is expected to cause, significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
91.	15	Fracture or dislocation of index finger on one hand, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
92.	15	Fracture or dislocation of one finger, other than index, on one hand, which has caused or is expected to cause significant functional limitation and restriction beyond 26 weeks.
93.	15	Fractured fibula from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
94.	15	Fracture of three vertebral transverse or spinous processes.

(*) The tariff values for fractures refer to closed fractures. Where the fracture is open the award shall be increased by £1,000. Any associated scarring is included in the award.

(*) An award for an injury in this table includes compensation for any expected consequential osteoarthritis.

(*) Any references to duration of effects in column (b) are from date of injury or onset of illness.

(*) When applied to any injury, the expression “functional limitation and restriction” means difficulty in executing an activity or requirement to avoid an activity because of the risk of recurrence, or of delayed recovery, or of injury to self or others as a direct result of the injury itself.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.

Table 9 – Muscoskeletal disorders(*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Injury</i>
1.	7	Traumatic back injury with partial spinal cord injury causing permanent significant functional limitation and restriction.
2.	9	Permanent severely impaired grip in both hands.
3.	10	Ligament injury which has resulted in full thickness rupture, affecting both knees, ankles, shoulders, elbows or wrists, causing permanent significant functional limitation and restriction.
4.	11	Ligament injury which has resulted in full thickness rupture, affecting one knee, ankle, shoulder, elbow or wrist, causing permanent significant functional limitation and restriction.
5.	11	Ligament injury which has resulted in full thickness rupture, affecting both knees, ankles, shoulders, elbows, wrists which has caused, or is expected to cause, significant functional limitation and restriction at 26 weeks, from which the claimant is expected to make a substantial recovery beyond that date.
6.	11	Traumatic back injury (with medically verified neurological signs and vertebral damage) extending over several levels of vertebrae, which has required, or is expected to require, operative treatment and which has caused, or is expected to cause, significant functional limitation and restriction beyond 13 weeks.
7.	11	Radiologically confirmed juxta-articular aseptic necrosis of hip or shoulder.
8.	11	Ligament injury short of full thickness rupture, to both knees, ankles, shoulders, elbows or wrists, causing permanent significant functional limitation and restriction.
9.	11	Permanent severely impaired grip in one hand.
10.	11	Radiologically confirmed osteoarthritis of both knees, hips, ankles, shoulders, elbows or wrists (caused by a repetitive or attrition injury), causing permanent significant functional limitation and restriction.
11.	12	Two frozen shoulders which have caused, or are expected to cause, significant functional limitation and restriction beyond 26 weeks.
12.	12	Ligament injury short of full thickness rupture, to both knees, ankles, shoulders, elbows or wrists, which has caused, or is expected to cause, significant functional limitation and restriction at 26 weeks, from which the claimant has made or is expected to make a substantial recovery beyond that date.

13.	12	Ligament injury short of full thickness rupture, to one knee, ankle, shoulder, elbow or wrist, causing permanent significant functional limitation and restriction.
14.	12	Ligament injury which has resulted in full thickness rupture, affecting one knee, ankle, shoulder, elbow or wrist, which has caused, or is expected to cause, significant functional limitation at 26 weeks, from which the claimant has made, or is expected to make a substantial recovery beyond that date.
15.	12	Full thickness muscle or tendon unit rupture which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
16.	12	Traumatic back injury (with medically verified neurological signs and vertebral damage), extending over several levels of vertebrae which has caused, or is expected to cause, significant functional limitation and restriction beyond 13 weeks.
17.	13	Frozen shoulder, which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
18.	13	Two frozen shoulders, which have caused or are expected to cause significant functional limitation at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
19.	13	Ligament injury short of full thickness rupture, to both knees, ankles, shoulders, elbows or wrists from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
20.	13	Muscle or tendon unit injury short of full thickness rupture, which has caused, or is expected to cause, significant functional limitation and restriction beyond 26 weeks.
21.	13	Two muscle or tendon unit injuries, short of full thickness rupture, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
22.	13	Full thickness muscle or tendon unit rupture, from which the claimant has made, or is expected to make a substantial recovery within 26 weeks.
23.	13	Ligament injury short of full thickness rupture, to one knee, shoulder, ankle, elbow or wrist which has caused, or is expected to cause, significant functional limitation and restriction at 26 weeks with substantial recovery beyond that date.
24.	13	Traumatic back injury with one or more intervertebral disc prolapses or vertebral body or facet joint fractures which has caused or is expected to cause, significant functional limitation and restriction beyond 13 weeks.
25.	13	Radiologically confirmed osteoarthritis of knee, hip, ankle, shoulder, elbow or wrist (caused by repetitive or attrition injury) causing permanent significant functional limitation and restriction.
26.	13	Compartment syndrome which has lasted, or is expected to last, beyond 13 weeks.
27.	14	Frozen shoulder which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
28.	14	Ligament injury short of full thickness rupture to one knee,

		ankle, shoulder, elbow or wrist, which has caused or is expected to cause, significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
29.	14	Muscle or tendon unit injury short of full thickness rupture, which has caused or is expected to cause significant functional limitation and restriction at 13 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
30.	14	Knee meniscus injury, or other knee pathology, which has required, or is expected to require, operative management.
31.	14	Tendon or ligament rupture of finger, thumb or toe which has required, or is expected to require, operative treatment.
32.	14	Back sprain or strain, with one or more intervertebral disc prolapses which has caused, or is expected to cause significant functional limitation and restriction at 13 weeks.
33.	14	Low back or neck pain syndrome.
34.	14	Anterior knee pain syndrome in both knees which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery beyond that date.
35.	15	Knee meniscus injury which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 26 weeks.
36.	15	Anterior knee pain syndrome in one knee which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery beyond that date.
37.	15	Direct hernia which has required operative treatment.
38.	15	Frozen shoulder which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.
39.	15	Ligament injury short of full thickness rupture, to one knee, ankle, shoulder, elbow or wrist which has caused, or is expected to cause, significant functional limitation and restriction at 6 weeks, from which the claimant has made, or is expected to make, a substantial recovery within 13 weeks.

(*) An award for an injury in this table includes compensation for any expected consequential osteoarthritis.

(*) Any references to duration of effects in column (b) are from date of injury or onset of illness.

(*) When applied to any injury or disorder, the expression “functional limitation and restriction” means difficulty in executing an activity or requirement to avoid an activity because of the risk of recurrence, or of delayed recovery or of injury to self or others as a direct result of the injury or disorder itself.

(*) References to back in this table include cervical, thoracic, lumbar or sacral segments.

(*) Awards for injuries in this table include compensation for any associated psychological effects short of a distinct diagnosable disorder.”.

(2) Subject to paragraph (3), the revised Schedule 4 to the principal Order shall not apply to any claim made before the coming into force of this Order.

(3) The revised Schedule 4 to the principal Order shall apply to a claim made before the coming into force of this Order where—

- (a) the Secretary of State determines (whether before or after the coming into force of this Order) that a temporary award in accordance with article 20 of the principal Order should be made in respect of the injury for which benefit is claimed; and
 - (b) the injury or an injury of a description which is the same as the injury in respect of which the temporary award is made and, in either case, which is at the same level of the tariff in respect of which the temporary award is made is included in the revised Schedule 4 to the principal Order.
- (4) In this article—
- (a) any reference to a ‘claim’ means a claim made in accordance with the principal Order; and
 - (b) “the revised Schedule 4 to the principal Order” means the Schedule as amended by paragraph (1).

Signed by authority of the Secretary of State

12th August 2008

Bob Ainsworth
Minister for the Armed Forces
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 2005 (“the Scheme”) which provides for benefits to be payable to or in respect of a person by reason of his illness or injury (whether physical or mental), or his death, which is caused (wholly or partly) by his service in the armed forces or the reserve forces.

This Order is principally for the purpose of substituting a revised Tariff as contained in Tables 1 to 9 of Schedule 4 to the Scheme but it also amends article 20 of the Scheme (temporary awards). At present, where a temporary award has been made, the Secretary of State can only issue a decision making that award permanent where, within the period of one year starting with the date on which the temporary award is made, he amends the Tariff by including the injury for which the temporary award is made in the level of the Tariff which he considers appropriate for that injury. When making a determination in respect of a claim for benefit the Secretary of State applies the Tariff in force on the date on which the claim for benefit was made. It may be that having regard to the version of the Tariff in force on the date the claim was made, the requirements of article 20(1) are made out and thus the Secretary of State determines that a temporary award should be made – but that by this time the Tariff has been amended such that a relevant descriptor at the appropriate level of the Tariff has now been included. Article 20(4) could not then apply since the amending Order has been made before, rather than after, the making of the temporary award. Accordingly, article 2(b) of this Order inserts new paragraphs (5) and (6) into article 20 to cater for this scenario.

The new Tariff inserted by article 3 of this Order replaces the previous version inserted by the Armed Forces and Reserve Forces Compensation Scheme (Amendment) Order 2006 (S.I. 2006/1438) (“the 2006 Order”). The Tariff lists the various forms of injury or disease for which compensation is available under the Scheme; specifies a numerical level referable to each type of injury or disease and specifies for each numerical level the amount of compensation payable.

The revised Tariff incorporates some additional table entries and amends the content of certain pre-existing table entries (a significant number of entries remain as per Schedule 4 inserted by the 2006 Order). In some cases the amendment is to the numerical level referable to the particular injury or disorder rather than to the descriptor of that injury or disorder. A number of the amendments are as a consequence of the making of temporary awards under article 20 of the Scheme.

Article 3(2) of this Order provides that in general the revised Tariff does not affect a claim made before the coming into force of this Order. These claims will therefore be determined in accordance with the Tariff as inserted by the 2006 Order. The exception to this (as set out in article 3(3)) is where the effect of the amendment to the Schedule is to include the injury or an injury of a description which is the same as the injury in respect of which a temporary award is made.

A full regulatory impact has not been produced for this instrument as it has no significant impact on the costs of business, charities or voluntary bodies.

STATUTORY INSTRUMENTS

2008 No. 2160

PENSIONS

**The Armed Forces and Reserve Forces (Compensation Scheme)
(Amendment No. 2) Order 2008**

£4.00

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