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STATUTORY INSTRUMENTS

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**2011 No. 517**

**The Armed Forces and Reserve Forces  
(Compensation Scheme) Order 2011**

**PART 1**

**PRELIMINARY**

**Descriptor, further interpretative provisions**

5.—(1) Subject to article 25, a descriptor is to be construed as encompassing the expected effects of the primary injury and its appropriate clinical management, short of a discrete diagnosable disorder, including, but not limited to—

- (a) pain and suffering due to the primary injury;
- (b) the effect of operative intervention, including pain, discomfort and scarring;
- (c) the effect of therapeutic drug treatment;
- (d) the use of appropriate aids and appliances;
- (e) associated psychological effects short of a discrete diagnosable disorder.

(2) The effects described in paragraph (1) include the effects both on directly damaged and indirectly affected body structures.

(3) The term “functional limitation or restriction” in relation to a descriptor means that, as a result of an impairment arising from the primary injury or its effects, a person—

- (a) has difficulty in executing a task or action; or
- (b) is required to avoid a task or action because of the risk of recurrence, delayed recovery, or injury to self or others.

(4) Subject to paragraph (5), a reference in a descriptor to duration of effects means from the date of injury.

(5) In Tables 3 and 4 of the tariff a reference in a descriptor to duration of effects means from the date the claimant first sought medical advice in respect of the mental or physical disorder.

(6) Functional limitation or restriction is to be assessed by—

- (a) taking account of the primary injury and its effects; and
- (b) making a comparison between the limitation and restriction of the claimant and the capacity of a healthy person of the same age and sex who is not injured or suffering a health condition.

(7) Functional limitation or restriction is —

- (a) “permanent” where following appropriate clinical management of adequate duration—
  - (i) an injury has reached steady or stable state at maximum medical improvement; and
  - (ii) no further improvement is expected; and
- (b) “significant” where the functional limitation or restriction has an extensive effect.

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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 2011, Section 5. (See end of Document for details)*

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[<sup>F1</sup>(8) The term “operative treatment” means surgical intervention intended to investigate or treat but excludes insertion of sutures under local anaesthetic, acupuncture, facet or other joint injection or minor dental procedure.]

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**Textual Amendments**

**F1** Art. 5(8) inserted (31.5.2016) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2016 \(S.I. 2016/557\)](#), arts. 1(1), 2

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 5.