
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 7

ADJUDICATION

Review - final

57.—(1) This article applies where an injury benefit decision was made 10 or more years before an application is made under this article.

(2) Subject to paragraph (7), the Secretary of State must review the decision to which paragraph (1) refers if an application for a review made in accordance with paragraph (5) is given or sent to the Service Personnel and Veterans Agency.

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

- (a) make a new decision which maintains the injury benefit decision; or
- (b) subject to paragraph (4), revise an award of injury benefit.

(4) An award may be revised only where the Secretary of State considers that it would be manifestly unjust to maintain the effect of the decision under review, because the injury in respect of which benefit has been awarded has—

- (a) become worse or caused a further injury to develop;
- (b) the worsening or the development is substantial, unexpected and exceptional; and
- (c) the injury, or the injury and the further injury together is described by—
 - (i) a descriptor at a tariff level which is higher than that already awarded for the injury; or
 - (ii) an additional descriptor for the injury or the further injury.

(5) An application for review under this article must be made within the period of 1 year starting with the day on which the worsening or the development began and must—

- (a) be in writing;
- (b) be signed by or on behalf of the person making the application; and
- (c) specify the ground on which the application is made.

(6) The decision of the Secretary of State on an application for review under this article and the reasons for the decision must—

- (a) be in writing;
- (b) be given or sent to the applicant; and
- (c) inform the applicant of any right the applicant may have—
 - (i) to a reconsideration of the decision under article 53; and

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 57. (See end of Document for details)

(ii) to appeal to the appropriate tribunal under section 5A(1) of the Pensions Appeal Tribunals Act 1943.

(7) The Secretary of State is to review an injury benefit decision under this article on one occasion only.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 57.