
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 8

PAYMENT

Suspension – appeal from a decision of the Upper Tribunal, a Commissioner or a court

67.—(1) Where paragraph (2) applies, and subject to paragraph (3), the Secretary of State may suspend payment of benefit in whole or in part.

(2) This paragraph applies where the Secretary of State is considering making an application for leave to appeal against the decision of the Upper Tribunal or a Commissioner.

(3) A direction that payment of benefit is to be suspended must be—

(a) in writing; and

(b) given or sent to the claimant within the relevant period.

(4) If the Secretary of State does not make an application for leave to appeal within the relevant period the suspension is to cease.

(5) Where direction has been given under paragraph (3) and an application for leave to appeal made, the suspension may continue where—

(a) leave to appeal is granted, until any subsequent appeal is determined;

(b) the Upper Tribunal reviews its decision until that review has been determined; or

(c) leave to appeal is refused, if the Secretary of State makes a further application for leave to appeal in accordance with paragraph (6).

(6) The application referred to in paragraph (5)(c) must be made to the relevant appellate court within a period of 1 month beginning with the date on which notice in writing of the decision of the Upper Tribunal or a Commissioner refusing leave to appeal is received.

(7) Where an application is made in accordance with paragraph (6) the suspension may continue until that application and any subsequent appeal is determined.

(8) Where the appeal is determined and the case remitted by the relevant appellate court for rehearing and determination by an appropriate tribunal, the appeal is not determined for the purposes of this article until the matter remitted for rehearing has been determined by the appropriate tribunal.

(9) This article applies to an application for leave to appeal and an appeal from a decision of the relevant appellate court to the Supreme Court, and references to “the Upper Tribunal or Commissioner” and “the relevant appellate court” is to be construed accordingly.

(10) In this article “relevant period” means the period of 3 months beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the Secretary of State.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 67.