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STATUTORY INSTRUMENTS

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**2011 No. 517**

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

**PART 2**

**THE COMPENSATION SCHEME**

**Injury made worse by service**

**9.—(1)** Subject to articles 11 and 12, benefit is payable to or in respect of a former member of the forces by reason of an injury made worse by service if the injury—

- (a) was sustained before the member entered service and was recorded in the report of the medical examination when the member entered service,
- (b) was sustained before the member entered service but without the member's knowledge and the injury was not found at that examination, or
- (c) arose during service but was not caused by service,

and in each case service on or after 6th April 2005 was the predominant cause of the worsening of the injury.

(2) Benefit is only payable under paragraph (1) if the injury has been worsened by service and remains worsened by service on—

- (i) the day on which the member's service ends; or
- (ii) the date of claim if that date is later.

(3) Subject to paragraph (4), in the case of paragraph (1)(a) and (b), benefit is only payable if—

- (a) the member or former member was downgraded within the period of 5 years starting on the day on which the member entered service;
- (b) the downgrading lasted for a period of at least 6 months (except where the member was discharged on medical grounds within that period);
- (c) the member or former member remains continually downgraded until service ends; and
- (d) the worsening was the predominant cause of the downgrading.

(4) In the case of paragraph (1)(a) or (1)(b), benefit is not payable if the injury is worsened—

- (a) within 6 months of the day service commenced; or
- (b) 5 years or more after that day.

(5) In the case of paragraph (1)(c), benefit is only payable if the member—

- (a) was downgraded within the period of 5 years starting on the day on which the member sustained the injury and remains continually downgraded until service ends; and
- (b) the worsening was the predominant cause of the downgrading.

**Changes to legislation:**

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 9.