
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 8

PAYMENT

Date on which awards of benefit become payable

64.—(1) A lump sum, a fast payment, medical expenses and a bereavement grant are to be paid as soon as is reasonably practicable after the award has been made.

(2) Subject to paragraphs (5) and (6) an award of guaranteed income payment becomes payable—

- (a) where a member is discharged from the forces on medical grounds and the award is for the injury which caused the member to be discharged on medical grounds, on the day after the discharge;
- (b) where a member is awarded injury benefit which includes an award of guaranteed income payment, on the day after the day on which the member's service ends;
- (c) in any case where sub-paragraph (a) or (b) does not apply, on the date of claim.

(3) Where a person who is entitled to a pension for disablement or death under the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (“the 2006 Order”) subsequently becomes entitled to benefit under this Order for the same injury or death for which there was entitlement under the 2006 Order, the date on which benefit under this Order becomes payable is the date on which—

- (a) a claim for benefit is determined under article 51;
- (b) a final award is made under article 54;
- (c) a decision of the Secretary of State is reconsidered under article 53 or revised under article 55, 56, 57 or 59;
- (d) a decision relating to benefit is revised by an appropriate tribunal, the Upper Tribunal, an appropriate Social Security Commissioner or a court, as the case may be.

(4) Subject to paragraph (6), where a member dies in service, an award of survivor's guaranteed income payment and an award of child's payment become payable on the day after the member's death.

(5) Subject to article 16(10), an award—

- (a) revised under article 53 becomes payable on the date of claim;
- (b) revised under article 55 becomes payable on the day after the member's service ends;
- (c) revised under article 56 or 57 becomes payable on the date the application for review is sent to the Secretary of State;
- (d) subject to paragraph (6), revised under 59 becomes payable—

- (i) on the date the application for review is sent to the Secretary of State; or

(ii) where no application for a review has been made, the date on which the decision in relation to the revised award is sent to the claimant.

(6) Subject to paragraph (8), where a decision of the Secretary of State is revised under article 59 so as to award benefit or increase the amount of benefit awarded, guaranteed income payment, survivor's guaranteed income payment or child's payment becomes payable from the beginning of the period starting 6 years—

- (a) before the date on which the application for review is sent to the Secretary of State; or
- (b) where no application for a review has been made, before the date on which the decision in relation to the revised award is sent to the claimant.

(7) Where the amount of an award is reduced following a review under article 58 or 59, the reduced amount becomes payable on the date on which notification of the revised award is given or sent to the claimant.

(8) No benefit is payable for any period before the date of claim.

Time of payment

65. Guaranteed income payment, survivor's guaranteed income payment and child's payment are paid monthly in arrears unless, in any particular case, the Secretary of State arranges otherwise.

VALID FROM 08/04/2013

[^{F1}Time of payment for armed forces independence payment

65A. Armed forces independence payment is paid every 4 weeks in arrears, unless in any particular case the Secretary of State arranges otherwise.]

Textual Amendments

F1 Art. 65A inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), 2(9)

Suspension – appeal from a decision of an appropriate tribunal

66.—(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 an appropriate tribunal.

(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 a 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) an appropriate tribunal reviews its decision until that review has been determined; or

(c) an application for 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 Upper Tribunal or a Commissioner within a period of 1 month beginning with the date on which notice in writing of the decision of the appropriate tribunal 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 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) In this article “relevant period” means the period of 6 weeks 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.

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 to 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.

Suspension in other cases

68.—(1) This article applies where—

- (a) an appeal has been brought against a decision of an appropriate tribunal, the Upper Tribunal, a Commissioner or a court in relation to a case (“the primary case”); and
- (b) if such an appeal were to be allowed a question would arise in relation to another case (“the secondary case”) whether the award of benefit in that case ought to be reviewed.

(2) Where paragraph (1) applies the Secretary of State may direct that payment of the benefit under the award in the secondary case be suspended, in whole or in part until such an appeal has been determined.

Payments on death

69.—(1) On the death of a person who has made a claim for benefit, the Secretary of State may appoint such person as the Secretary of State thinks fit to proceed with the claim.

(2) Any sum which is payable under an award on a claim proceeded with under paragraph (1) is to be paid to the personal representatives of the deceased, or to such other persons as the Secretary of State considers fit.

(3) An award on a claim proceeded with under paragraph (1) is not to provide for payment of benefit for any period after the date of death.

Status:

Point in time view as at 09/05/2011. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, PART 8.