

## SCHEDULE

Regulation 3(1)

1. Subject to paragraph 2, a matter is within this Schedule if it—
- (a) is or was capable of being the subject of a complaint under the internal disputes resolution procedures established for the armed forces in accordance with section 50, 50A and 50B of the Pensions Act 1995(1);
  - (b) is or was capable of being the subject of an appeal to the Discretionary Awards Panel;
  - (c) is or was capable of being the subject of an appeal to the Discretionary Awards Appeals Panel;
  - (d) is or was capable of being the subject of a review under rule D.8 of the scheme set out in the Armed Forces Pension Scheme Order 2005(2);
  - (e) is or was capable of being the subject of a review under regulation 58 of the scheme set out in the Armed Forces Pension Regulations 2014(3);
  - (f) is or was capable of being the subject of an appeal to a service appeals panel under paragraph 59 of the Criminal Injuries Compensation (Overseas) Scheme(4);
  - (g) is about any decision made under the scheme set out in the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(5);
  - (h) is about any decision made under the scheme set out in the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(6);
  - (i) is or was capable of being the subject of an appeal under section 141;
  - (j) is or was capable of being the subject of an appeal under the Courts-Martial (Appeals) Act 1968(7);
  - (k) is a decision of a judge advocate under any provision in or made by virtue of the Act;
  - (l) is a decision of the Director of Service Prosecutions, or of a prosecuting officer exercising a function of the Director of Service Prosecutions, under any provision in or made by virtue of the Act or in relation to the exercise of a right of review under the Schedule to the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015(8);
  - (m) is a decision of the court administration officer made in exercise of a function of his under a provision in or made by virtue of the Act;
  - (n) is a decision of a service policeman under any provision in or made by virtue of Chapter 1 of Part 5 of the Act or in relation to the exercise of a right of review under the Schedule to the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015;
  - (o) is a decision of a commanding officer under Chapter 1 or 2 of Part 5 of the Act or in relation to the exercise of a right of review under the Schedule to the Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015;
  - (p) is a decision under—

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(1) 1995 c. 26; section 50 was substituted with new sections 50, 50A and 50B by section 273 of the Pensions Act 2004 c. 35, to which further amendments were made by S.I. 2005/2053 and section 16 of the Pensions Act 2007 c. 22.

(2) S.I. 2005/438; relevant amending instruments are S.I. 2006/717, 2009/544.

(3) S.I. 2014/2336, to which there are amendments not relevant to these Regulations.

(4) The Criminal Injuries Compensation (Overseas) Scheme is a non-statutory, Ministry of Defence scheme under which lump sum payments may be made to members of the armed forces and their eligible dependants who in certain circumstances are killed or injured overseas as a result of a crime of violence.

(5) S.I. 2011/517, amended by S.I. 2012/1573; there are other amending instruments but none is relevant.

(6) S.I. 2006/606, relevant amending instruments are S.I. 2008/679, 2013/241.

(7) 1968 c. 20.

(8) S.I. 2015/1811.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (i) section 152 (review of summary findings and punishments);
- (ii) section 177 (review of service compensation orders);
- (iii) section 251(3) or (4) (time for payment of, or directing payment by instalments of, a fine or service compensation order);
- (iv) section 267 (power of court to remit fine); or
- (v) section 276 (compensation for miscarriages of justice);
- (q) is or was capable of being the subject of an appeal to a reserve forces appeal tribunal under section 81(4), 83(4) or 84(3) of the Reserve Forces Act 1996<sup>(9)</sup>;
- (r) is a decision of the Security Vetting Appeals Panel in relation to the complainant;
- (s) is or was capable of being the subject of an appeal by the complainant to the Security Vetting Appeals Panel;
- (t) is or was capable of being the subject of a claim for clinical negligence against the Ministry of Defence; or
- (u) is or was capable of being the subject of a claim for personal injury against the Ministry of Defence.

2. Nothing in paragraph 1 shall prevent a person making a service complaint about anything referred to in regulation 5(2) which he or she alleges has occurred in connection with a matter specified in paragraph 1.

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<sup>(9)</sup> 1996 c. 14.