
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517) (“the principal Order”), which provides for benefits to be payable to, or in respect of, a person by reason of injury, illness or death caused (wholly or partly) by service in the regular or reserve armed forces.

Article 3 amends the principal Order by amending the definition of “ill-health pension” and inserting definitions for “constant attendance allowance” and “mobility supplement”.

Article 4 amends article 12 of the principal Order to make it clear that a person in receipt of an award under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (S.I. 2006/606) for an injury aggravated by service cannot also receive an award for this under the principal Order.

Articles 5, 6 and 7 make provision with respect to the armed forces independence payment. Article 5 increases the weekly amount of the payment. Article 6 replaces article 24C of the principal Order with a new article which provides that an amount equal to any payment of extra-costs disability benefit, constant attendance allowance or mobility supplement received must be deducted from the armed forces independence payment. Article 7 increases the weekly amount that may be paid to Motability out of the payment.

Article 8 amends article 53 of the principal Order to make it clear that, on a reconsideration of a decision, the Secretary of State may make an interim award.

The amendments made by article 9 to Tables 2, 6, 7 and 9 in Schedule 3 to the principal Order insert new descriptors (description of injury or illness) and amend existing descriptors in the tariff. The tariff lists the various forms of injury or illness for which compensation is payable, specifies a numerical tariff level and specifies for each tariff level the amount of compensation payable. Where a person sustains an injury which the Secretary of State considers is sufficiently serious to warrant an award, the Secretary of State may make a temporary award under article 26 of the principal Order, but must amend the tariff within one year of making the award. The new descriptors are as a result of making temporary awards.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.