
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 5

ADJUSTMENT AND CESSATION OF BENEFIT

Adjustment of guaranteed income payment, survivor's guaranteed income payment and child's payment to take account of other amounts

39.—(1) This article applies where a person is entitled to guaranteed income payment, survivor's guaranteed income payment or child's payment for any period during which the person is also entitled to—

- [^{F1}(a) a pension under the AFPS 1975, the AFPS 2005, the AFPS 2015 or the Gurkha Pension Scheme (“a pension”); or]
- (b) a payment under the Armed Forces Early Departure Payments Scheme Order 2005 ^{M1}[^{F2}or the Armed Forces Early Departure Payments Scheme Regulations 2014] (“a payment”).

(2) Guaranteed income payment, the survivor's guaranteed income payment or the child's payment, as the case may be, is to be adjusted in accordance with paragraphs (3) or (4).

(3) Where a person is entitled to guaranteed income payment for any period during which the person is also entitled—

- (a) to a payment, or to a pension which is not an ill-health pension paid for the same injury for which the guaranteed income payment is paid, then the amount of the guaranteed income payment is reduced by 75% of the amount of that pension or payment;
- [^{F3}(b) to a payment or to an ill-health pension which is paid for the same injury for which the guaranteed income payment is paid, then the amount of the guaranteed income payment is reduced by the full amount of the payment or, as the case may be, the ill-health pension.]

(4) Where a person is entitled to survivor's guaranteed income payment or child's payment for any period during which the person is also entitled to a pension, then the amount of survivor's guaranteed income payment or child's payment is reduced by 75% of the amount of that pension.

(5) Where an amount of a pension or payment increases or decreases (including the commencement or cessation), after an award of benefit is made, the Secretary of State is to make such adjustments to the amount of guaranteed income payment, survivor's guaranteed income payment or child's payment as are required to satisfy the rules for the adjustment of benefit specified in this article.

(6) In this article any reference to a pension, ill-health pension or a payment means the gross amount, irrespective of any commutation.

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 39. (See end of Document for details)

Textual Amendments

- F1** Art. 39(1)(a) substituted (6.4.2015) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2015 \(S.I. 2015/413\)](#), arts. 1(1), **7(a)**
- F2** Words in art. 39(1)(b) inserted (6.4.2015) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2015 \(S.I. 2015/413\)](#), arts. 1(1), **7(b)**
- F3** Art. 39(3)(b) substituted (9.4.2018) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2018 \(S.I. 2018/293\)](#), arts. 1, **6**

Marginal Citations

- M1** [S.I. 2005/437](#), as amended by [S.I. 2006/717](#), [2007/2608](#), [2008/229](#) and [2009/544](#).

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 39.