
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 6

CLAIMS

Entitlement to benefit dependant on claim

43.—(1) Except where article 45 applies, a person is not entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied, a claim is made for it in the manner, and within the time, specified in the following provisions of this Part.

(2) Where a member who is in service on or after 6th April 2005 or a surviving spouse, surviving civil partner or surviving adult dependant of such a member makes a claim for a pension for disablement or death under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006^{M1}, the Secretary of State may treat that claim as also being a claim for benefit under this Order.

Marginal Citations

M1 [S.I. 2006/606](#) to which there are amendments but none relevant to this Order.

Manner of making a claim

44. A claim for benefit must be—

- (a) in writing;
- (b) on a form approved for that purpose by the Secretary of State;
- (c) signed by or on behalf of the claimant; and
- (d) given or sent to the Service Personnel and Veterans Agency within the time specified in article 47, 48 or 49 whichever is applicable.

Cases where claims are not required

45.—(1) Subject to paragraph (3), it is not a condition of entitlement to benefit that a claim be made for it where a member—

- (a) is discharged on medical grounds; or
- (b) dies whilst serving in the forces.

(2) It is not a condition of entitlement to additional benefit that a claim be made, and article 46 does not apply in relation to these awards of benefit.

(3) This paragraph applies where a member dies in the circumstances specified in paragraph (1) leaving an eligible child and either—

- (a) leaves no surviving spouse, civil partner or surviving adult dependant; or
- (b) the child is not living with the surviving spouse, civil partner or surviving adult dependant, as the case may be, on the date on which the member died.

(4) Where paragraph (3) applies, it is a condition of entitlement to child's payment that a claim is made by or on behalf of the child.

(5) Paragraph (1)(a) applies only to injury benefit for the injury which caused the member to be discharged on medical grounds and any injuries arising from that injury or from the same incident that caused that injury.

(6) Paragraph (1)(b) applies only to death benefit.

Date of claim

46.—(1) Subject to [^{F1}paragraph](3), the date on which a claim is made is the date on which it is received by the Service Personnel and Veterans Agency.

(2) ^{F2}

(3) Where article 45(1) applies, the date of claim is to be treated as—

- (a) the day after the day on which the member is discharged on medical grounds; or
- (b) the day after the date of death of the member.

Textual Amendments	
F1	Words in art. 46(1) substituted (17.11.2011) by The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2011 (S.I. 2011/2552) , arts. 1(1), 6(a) (with art. 10)
F2	Art. 46(2) omitted (17.11.2011) by virtue of The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2011 (S.I. 2011/2552) , arts. 1(1), 6(b) (with art. 10)

Time for making a claim - general

47.—(1) Subject to articles 48 and 49, the time specified for making a claim for injury benefit is 7 years beginning with whichever is the earlier of the following days—

- (a) the day on which the injury occurs;
- (b) the day an injury which is not caused by service is made worse by service;
- (c) the day on which the member's service ends;
- (d) the day a member first seeks medical advice in relation to an illness.

(2) Paragraph (1)(d) applies only if the claim is in respect of an illness.

(3) The time for making a claim for injury benefit is extended by 3 years from the date of diagnosis where—

- (a) an illness first presents within the period specified in paragraph (1); but
- (b) the diagnosis of the illness is not made until less than 1 year before the end of that period.

(4) The time specified for making a claim for a fast payment is 6 months beginning with the day on which the injury occurs.

(5) A claim for medical expenses must be made prior to the expenses being incurred except in circumstances where the Secretary of State is satisfied that prior approval was not reasonably practicable due to a medical emergency.

(6) The time specified for making a claim for death benefit is 3 years beginning with the date of death where the death occurs—

- (a) after the day on which the service of the former member ends; and
- (b) within 7 years starting with that day.

Time for making a claim - exceptional circumstances

48.—(1) Article 47 does not apply where—

- (a) a claim for injury benefit is made by a former member for a late onset illness and the illness has been diagnosed by an accredited medical specialist;
- (b) the death of a former member—
 - (i) is caused by a late onset illness; or
 - (ii) occurs in circumstances specified in article 10(3)(c)(ii).

(2) Where paragraph (1) applies, the time specified for making a claim is 3 years beginning with the date the late onset illness was first diagnosed, or the date of death, as the case may be.

Time for making a claim - physical or mental incapacity

49.—(1) This paragraph applies if throughout the time specified for making a claim in article 47 or 48 a person is physically or mentally incapable of making a claim for injury benefit or death benefit or instructing another person to make a claim on their behalf.

(2) Where paragraph (1) applies, that time is to be extended for such further period as in all circumstances of the case the Secretary of State considers reasonable.

(3) This paragraph applies if a person—

- (a) has been physically or mentally incapable of making a claim for injury benefit or death benefit or instructing another to make it on their behalf;
- (b) becomes so capable within the period referred to in article 47 or 48.

(4) Where paragraph (3) applies, the time for making a claim may be extended for a period of up to 3 years, if the Secretary of State considers there is insufficient time for the person to make a claim, or instruct a person to make it on their behalf, within the period referred to in article 47 or 48.

Withdrawal or amendment of claim

50.—(1) A claimant may amend a claim by notice in writing given or sent to the Service Personnel and Veterans Agency at any time before notice of the decision on the claim has been given or sent to the claimant, and any claim so amended is to be treated by the Secretary of State as if it had been so amended in the first instance.

(2) A claimant may withdraw a claim at any time before notice of the decision on the claim has been given or sent, by notice in writing given or sent to the Service Personnel and Veterans Agency, and any such notice of withdrawal has effect when it is received.

(3) Where a claimant has withdrawn a claim under paragraph (2), that claim may not be reinstated, but the person may make a further claim in accordance with the provisions of this Order.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, PART 6.