

2018 No. 1099

PENSIONS

**The Armed Forces and Reserve Forces (Compensation Scheme)
(Amendment No. 2) Order 2018**

Made - - - - - *11th October 2018*

Laid before Parliament *19th October 2018*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004(a).

Citation and commencement

1. This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment No. 2) Order 2018 and comes into force—

- (a) as regards article 2(2), on 1st April 2019;
- (b) in all other regards, on 28th February 2019.

Amendment of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011

2.—(1) The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(b) is amended as follows.

(2) In article 4 (definition of salary), after paragraph (3), insert—

“(4) In relation to a member or former member who is (or was) serving on flexible terms for any period, the amounts to be used for any calculation under this article in respect of that period of flexible service are to be determined as though the member or former member had not served on flexible terms for that period.

(5) In this article—

“flexible service” means one or both of the following types of service—

- (a) part-time service;
- (b) restricted separation service,

and references to a member serving on flexible terms must be construed accordingly;

(a) 2004 c. 32.

(b) S.I. 2011/517 as amended by S.I. 2011/2552, 2012/1573, 2013/436, 2014/412, 2015/413, 2016/557, 2017/247 and 2018/293.

“part-time service” means—

- (a) for enlisted members, a period of service where the member is serving in accordance with an arrangement provided for in regulations made under section 329(2)(ha) of the Armed Forces Act 2006(a);
- (b) for members who are officers, a period of service on equivalent terms of service;

“restricted separation service” means—

- (a) for enlisted members, a period of service where the member is serving in accordance with an arrangement which does not restrict the member’s service in a particular area but does make it subject to other geographic restrictions provided for in regulations made under s329(2)(i) of the Armed Forces Act 2006(b);
- (b) for members who are officers, a period of service on equivalent terms of service.”.

(3) In Schedule 3, in Part 1, in Table 9, after item 35, insert—

“35A	15	Overuse injury of foot or heel which has not required operative treatment.”
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11th October 2018

Tobias Ellwood
Parliamentary Under Secretary of State
Ministry of Defence

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 2011 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 armed or reserve armed forces.

Article 2—

- amends article 4 of the 2011 Order to provide that, in relation to a member serving on flexible terms, the amounts to be used for the calculation of “salary” for the purposes of the Order in respect of such a period of flexible service are the amounts that would have been payable as though member had not served on flexible terms (paragraph (2));
- amends table 9 in Part 1 of Schedule 3 to the 2011 Order to provide for a supplementary award for an overuse injury of foot or heel which has not required operative treatment.

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.

(a) 2006 c. 52. Paragraph (ha) was inserted by section 1 of the Armed Forces (Flexible Working) Act 2018 (c. 2).
(b) Paragraph (i) was substituted by section 1 of the Armed Forces (Flexible Working) Act 2018.

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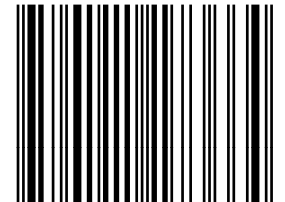
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