

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament on 27 June 2013 and published on 1 July 2013 (ISBN 9780111100417). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Order laid before Parliament under section 10(6) of the Armed Forces (Pensions and Compensation) Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 000

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Consequential Provisions: Primary Legislation) (Northern Ireland) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(2), 10(3) and (4) of the Armed Forces (Pensions and Compensation) Act 2004⁽¹⁾.

In accordance with section 10(6) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Consequential Provisions: Primary Legislation) (Northern Ireland) Order 2013 and comes into force on the day after the day on which it is made.

Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾ is amended as follows.

(2) In section 70 (carer's allowance)⁽³⁾, in subsection (2) after “middle rate” insert “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 ([S.I. 2011/517](#))”.

(1) 2004 c.32.

(2) 1992 c.7.

(3) Section 70 was amended by S.R. 1994 No. 370, S.R. 2002 No. 321 and S.R. 2011 No. 356.

- (3) In section 144 (entitlement of pensioners to Christmas bonus)(4), after subsection (2) insert—
- “(2ZA) In a case where a person is entitled to a payment of armed forces independence payment, the reference in subsection (1) to section 1 of the Administration Act is to be read as a reference to article 43 of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517).”.
- (4) In section 146 (interpretation of Part X)(5)—
- (a) in subsection (1), before paragraph (c) insert—
- “(zc) armed forces independence payment;”;
- (b) in subsection (2), before the definition of “attendance allowance” insert—
- ““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517);”.

Date

Parliamentary Under Secretary of State
Ministry of Defence

(4) There are amendments to section 144 not relevant to this Order.
(5) There are amendments to section 146 not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

The provisions contained in this Order are made to give full effect to section 1(2) of the Armed Forces (Pensions and Compensation Scheme) Act 2004 (c.32) consequential upon the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2013 (S.I. 2013/436) (“the 2013 Order”) which amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517) (“the 2011 Order”). Both Orders are made under that section. The 2011 Order provides for a scheme of compensation payments to be payable to or in respect of a person by reason of illness or injury (whether physical or mental), or death, which is caused (wholly or partly) by service in the armed forces of the reserve forces. The 2013 Order provides for a new payment called the armed forces independence payment under the Scheme.

Article 2 of the Order amends section 70(2) (carer’s allowance), section 144 (entitlement of pensioners to Christmas bonus) and section 146 (interpretation of Part X) of the Social Security Contribution and Benefits (Northern Ireland) Act 1992 (c.7). The amendment of section 70(2) provides that the definition of a “severely disabled person” for the purpose of carer’s allowance includes a person in receipt of armed forces independence payment. The amendment of section 144 modifies section 144(1) in its application to armed forces independence payment, so that the reference to section 1 of the Social Security Administration (Northern Ireland) Act 1992 (c.8) is to be read instead as a reference to article 43 of the 2011 Order. The amendment of section 146 provides for armed forces independence payment to be a qualifying benefit for the purposes of Part X (Christmas bonus for pensioners) of that Act.