
STATUTORY INSTRUMENTS

2008 No. 39

**The Armed Forces and Reserve Forces
(Compensation Scheme) (Amendment) Order 2008**

Insertion of articles 15A and 15B

8. After article 15 insert—

“Amount of lump sum where 100 per cent guaranteed income payment determined

15A.—(1) This article applies where—

- (a) more than one injury is sustained in one incident;
- (b) the cause of the injuries occurred on or after the coming into force of this Order;
and
- (c) the relevant percentage for the purpose of calculating the amount of a guaranteed income payment in accordance with article 16 for one or more such injuries is 100 per cent.

(2) Subject to paragraph (3) the amount of the lump sum is the total of the relevant amount (described in article 14(2)(b)) applicable to each injury.

(3) The total amount payable under paragraph (2) shall not exceed the amount specified at level 1 in column (a) of table 10.

(4) Subject to paragraph (6) where—

- (a) a claim for injury benefit (“the first claim”) is made for some but not all the injuries sustained in one incident; and
- (b) after notice of the decision on the first claim has been given or sent to the claimant, a further claim for injury benefit is made for other injuries sustained in that incident, the Secretary of State shall determine the further claim by recalculating the amount of the lump sum in accordance with paragraphs (2) and (3) taking into account all the injuries sustained in that incident which have been the subject of a claim.

(5) In determining the further claim under paragraph (4) the Secretary of State may—

- (a) increase the amount of the lump sum awarded in respect of the first claim; or
- (b) award no, or no further, amount of benefit.

(6) Where the Secretary of State increases the amount of the lump sum awarded in respect of the first claim, account shall be taken of the amount of benefit paid in respect of the first claim and only the difference between the earlier award and the later award shall be paid.

(7) Paragraphs (4), (5) and (6) shall not apply to a further claim for injury benefit referred to in paragraph (4)(a) unless that claim is made within the time specified in articles 39, 40 and 41 for making a claim.

Additional multiple injury lump sum

15B.—(1) This article applies where—

- (a) more than one injury is sustained in one incident;
- (b) the cause of the injuries occurred on or after 6th April 2005 and before the coming into force of this Order;
- (c) an entitlement to injury benefit has been determined in respect of more than one such injury either before or after the coming into force of this Order; and
- (d) the relevant percentage for the purpose of calculating the amount of a guaranteed income payment in accordance with article 16 for one or more such injuries is 100 per cent.

(2) The Secretary of State shall award an additional benefit (“the additional multiple injury lump sum”) in accordance with this article.

(3) The amount of the additional multiple injury lump sum is, subject to paragraphs (4) and (5), the total of the relevant amount (described in article 14(2)(b)) applicable to each injury in respect of which a lump sum would have been payable but for article 15(2).

(4) Account shall be taken of the lump sum previously awarded and, subject to paragraph (5), the difference between that award and the amount of the additional multiple injury lump sum calculated in accordance with paragraph (3) shall be paid.

(5) The total amount payable in accordance with this article shall not, taking into account the amount of lump sum previously awarded, exceed the amount specified at level 1 in column (a) of Table 10.

(6) The determination of the amount of the additional multiple injury lump sum shall be made according to the tariff in force on the day on which—

- (a) the entitlement to injury benefit is determined under article 43;
- (b) a final award of injury benefit is made under article 44;
- (c) a decision of the Secretary of State in relation to injury benefit is revised under article 45, 47, 48 or 49; or
- (d) a decision relating to injury benefit is revised by a Pension Appeal Tribunal, an appropriate Social Security Commissioner or a court.”.