
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 4

BENEFITS PAYABLE FOR DEATH

Amount of child's payment

36.—(1) The annual amount of child's payment is the relevant percentage of the base figure or, in the circumstances specified in paragraphs (3)(b) and (4)(b), the amount referred to in those subparagraphs.

(2) The base figure is calculated by multiplying the relevant salary by the relevant factor.

(3) Where a member or former member dies leaving a surviving spouse, civil partner or a surviving adult dependant—

(a) the relevant percentage is—

- (i) 15% for each of the first 2 eligible children;
- (ii) 10% for the third eligible child; and

(b) where there are more than 3 eligible children, the amount referred to in paragraph (1) is an amount obtained by dividing 40% of the base figure by the number of eligible children left by the member or former member.

(4) Where a member or a former member dies without leaving a surviving spouse, a civil partner or a surviving adult dependant but leaves—

- (a) no more than 4 eligible children, the relevant percentage is 25%;
- (b) more than 4 eligible children, the amount referred to in paragraph (1) is an amount obtained by dividing the base figure by the number of eligible children.

(5) A child's payment is to be recalculated, in accordance with paragraph (6), and commence in accordance with paragraph (7), on the death of a person—

- (a) who was a surviving spouse, civil partner or surviving adult dependant of a member or a former member; and
- (b) who has been in receipt of a survivor's guaranteed income payment; and
- (c) where there is no other surviving spouse entitled to a survivor's guaranteed income payment.

(6) The child's payment is to be recalculated—

- (a) in accordance with paragraph (4); and
- (b) as if the member or former member had died without leaving a surviving spouse, civil partner or surviving adult dependant.

(7) The recalculated child's payment becomes payable on the day after the date on which the death of the surviving spouse, civil partner or surviving adult dependant occurred.

(8) Where a child ceases to be an eligible child, there is to be no adjustment in the amount of child's payment payable to the other children who receive child's payment as a result of the same calculation.

(9) In this article—

- (a) “the relevant salary” is, subject to paragraph (10), the salary of the member on the date of death or, in the case of a former member, the salary on the day on which the member's service ends up-rated for inflation to the date of claim;
- (b) “the relevant factor” is the figure specified in column (b) of the Table set out in Schedule 4 in relation to the relevant age specified in column (a);
- (c) “the relevant age” is the age of the member or the former member on the date of death.

(10) Where death is due to an injury sustained in an incident which occurred on a day while the member, or former member, held acting rank, the relevant salary is whichever is the higher of—

- (a) the salary specified in paragraph (9); or
- (b) the actual salary of the member or former member on the day of the incident.

(11) Up-rating a former member's salary for the purposes of determining “the relevant salary” under this article is to be carried out in accordance with article 73.

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, Section 36.