
STATUTORY INSTRUMENTS

2011 No. 517

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

PART 3

BENEFITS PAYABLE FOR INJURY

Interpretation of Part 3

14.—^[F1(1)] In Part 3—

- (a) any reference to an amount specified in column (b) of Table 10 of the tariff means the amount specified in that column on ^[F2]the relevant date].
- (b) “relevant amount” has the meaning given in article 16(6), and any reference to a relevant amount applicable to a descriptor is to be construed accordingly.
- (c) “relevant percentage” means the percentage of guaranteed income payment payable determined in accordance with article 24(3) and (4).

^[F3(2)] In this article, “relevant date” in relation to an injury benefit has the meaning given by paragraphs (3) to (6).

(3) Subject to the following paragraphs, “relevant date” means the date on which the claim for the injury benefit was made under article 46(1) or is treated as made under article 46(3) (as the case may be).

(4) Where a decision concerning the injury benefit is made in respect of which conditions A and B are satisfied, “relevant date” means the date of the decision or, where more than one such decision is made, the date of whichever decision is later.

(5) Condition A is satisfied if the decision revises an earlier decision by—

- (a) awarding benefit where no award of benefit was made in the earlier decision;
- (b) changing the descriptor awarded so that the new descriptor is at a tariff level which is higher than the tariff level awarded for the injury in the earlier decision; or
- (c) describing the injury or the further injury by an additional descriptor.

(6) Condition B is satisfied if the decision is—

- (a) a decision by the Secretary of State under article 55, 56, 57 or 59;
- (b) a decision by the Secretary of State under article 53 following a reconsideration of a decision referred to in paragraph (6)(a); or
- (c) a decision by an appropriate tribunal, the Upper Tribunal, a Commissioner, or a court which revises a decision referred to in paragraph (6)(a) or (b).]

Textual Amendments

- F1** Art. 14 renumbered as art. 14(1) (8.4.2019) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2019 \(S.I. 2019/440\)](#), arts. 1, **4(a)** (with reg. 8)
- F2** Words in art. 14(1)(a) substituted (8.4.2019) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2019 \(S.I. 2019/440\)](#), arts. 1, **4(b)** (with reg. 8)
- F3** Art. 14(2)-(6) inserted (8.4.2019) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2019 \(S.I. 2019/440\)](#), arts. 1, **4(c)** (with reg. 8)

Description of benefits - injury

15.—(1) Benefits payable for injury are—

- (a) a lump sum;
- (b) a supplementary award;
- (c) a guaranteed income payment payable until death;
- [^{F4}(ca) armed forces independence payment;]
- (d) a fast payment; and
- (e) medical expenses.

(2) Schedule 3 has effect for the purpose of determining—

- (a) the descriptor;
- (b) the tariff level;
- (c) the amount of a lump sum;
- (d) the conditions relating to payment of a supplementary award; and
- (e) the amount of a supplementary award.

Textual Amendments

- F4** Art. 15(1)(ca) inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(3)**

Injury benefit - general provisions

16.—(1) Subject to articles 25 and 26—

- (a) benefit for injury is payable only in respect of an injury for which there is a descriptor;
- (b) where an injury may be described by more than one descriptor, the descriptor is that which best describes the injury and its effects for which benefit has been claimed; and
- (c) more than one injury may be described by one descriptor.

(2) In Tables 1 to 9 of the tariff the descriptors give rise to entitlement at the corresponding tariff level.

(3) Subject to paragraph (4), the amount specified in column (b) of Table 10 of the tariff is the amount of the lump sum in relation to the corresponding tariff level referred to in column (a).

(4) In the case of an injury to which article 25 (injury to a pair of like body parts) applies, the lump sum is the amount calculated in accordance with article 25(3)(a).

(5) A supplementary award is payable in addition to a lump sum where an injury or the effect of an injury is—

- (a) specified in Part 2 of Schedule 3; and
 - (b) the conditions specified in that Part are satisfied.
- (6) The relevant amount is the amount of—
- (a) the lump sum determined in accordance with paragraph (3); and
 - (b) a supplementary award, if payable, added to the lump sum for the descriptor which gives rise to that award.
- (7) Guaranteed income payment is payable only in respect of injuries giving rise to an entitlement within tariff levels 1 to 11 and is to be determined in accordance with article 24.
- (8) Subject to article 79(2), a person is only entitled to one guaranteed income payment regardless of the number of injuries which are sustained.
- (9) If a person has sustained more than one injury in separate incidents the guaranteed income payment which is payable is the highest such payment which has been awarded.
- (10) Guaranteed income payment is not payable until the day after the day on which the service of the member to whom it was awarded ends, and no such payment is payable in respect of any period before that day.

Amount of lump sum and supplementary award - general

- 17.—(1) The amount payable for an injury is—
- (a) the relevant amount, or
 - (b) a percentage of the relevant amount,
- determined in accordance with articles 18 to 23, whichever is applicable to the case.
- (2) The total amount of lump sum and supplementary award payable for all injuries sustained in, or arising from, one incident is not to exceed the amount specified in column (b) of Table 10 of the tariff for an injury at tariff level 1.
- (3) Subject to article 25, where paragraph (4) applies no account is to be taken of a lump sum or supplementary award paid for an injury or injuries sustained in any other incident.
- (4) This paragraph applies where—
- (a) a member sustains an injury in more than one incident; and
 - (b) in each case the injury is caused by service.
- (5) Where paragraph (4) applies, guaranteed income payment is payable with reference to the tariff level determined on each occasion, but subject to article 16(8) and (9).

Amount where injury or injuries are described by one descriptor

18. Subject to article 17(2), where one injury or more which is described by one descriptor is sustained in or arises from one incident, the amount payable is the relevant amount applicable to that descriptor.

Amount where 100% guaranteed income payment determined

- 19.—(1) This article applies where—
- (a) one injury or more which is described by more than one descriptor is sustained in or arises from one incident;
 - (b) the relevant percentage for the purpose of calculating the amount of a guaranteed income payment is 100%.

(2) Subject to article 17(2), the amount payable is the total of the relevant amount applicable to each descriptor.

Allocation of descriptors to body zones

20.—(1) This article applies where—

- (a) one injury or more which is described by more than one descriptor is sustained in or arises from one incident;
- (b) the relevant percentage for the purpose of calculating the amount of guaranteed income payment is less than 100%; and
- (c) one injury or more is described by two or more descriptors tariff levels 1 to 11.

(2) Each injury or injuries which is described by a separate descriptor is to be allocated to one of the body zones specified in paragraph (6).

(3) The amount payable is to be calculated in accordance with article 21 or 22, whichever is applicable to the case.

(4) Subject to paragraph (5), where one or more injuries described by one descriptor extend to more than one body zone the descriptor is to be allocated to the body zone predominantly affected by the injury.

(5) Where benefit is payable for burns and is described by a descriptor in Table 1 of the tariff, the descriptor is to be allocated to the body zone which has the highest percentage of affected body surface area.

(6) The body zones are as follows —

- (a) “head and neck” which includes injury to the brain, skull, face, jaw, organs of the mouth and nose, cervical bony and spinal structures and thyroid;
- (b) “torso” which includes injury to the abdomen, including wall, peritoneum and structural contents, bony pelvis, pelvic floor and structural contents, perineum and external male and female genitalia, bony thorax, chest wall, pleura and structural contents, thoracic, lumbar, sacral and coccygeal bony and spinal structures;
- (c) “upper and lower limbs” which includes—
 - (i) injury to all structures from the shoulder, including scapula and clavicle, to the tips of hand digits (upper limbs);
 - (ii) injury to the buttocks and groin, and from the head of the femur to the tips of toes (lower limbs);
- (d) “senses” which means an injury which is described by a descriptor in Table 7 of the tariff;
- (e) “mental health” which means an injury which is described by a descriptor in Table 3 of the tariff.

(7) References to all the parts of the body in paragraph (6) include associated nerves, arteries, veins and lymphatic structures.

Amount where injury or injuries are described by two or more descriptors at tariff level 11 or above in more than one body zone

21.—(1) This article applies where—

- (a) one or more injury which is described by more than one descriptor is sustained in or arises from one incident;
- (b) the descriptors of the injury or injuries relate to two or more body zones;

- (c) there is at least one descriptor which gives rise to an entitlement within tariff levels 1 to 11 in each of two or more body zones; and
 - (d) the relevant percentage for the purpose of calculating the amount of a guaranteed income payment is less than 100%.
- (2) Subject to article 17(2) the amount payable is to be calculated as follows—
- (a) for the first body zone, 100% of the relevant amount applicable to each descriptor in that body zone;
 - (b) for the second body zone, 80% of the relevant amount applicable to each descriptor in that body zone;
 - (c) for the third body zone, 60% of the relevant amount applicable to each descriptor in that body zone;
 - (d) for the fourth body zone, 40% of the relevant amount applicable to each descriptor in that body zone;
 - (e) for the fifth body zone, 20% of the relevant amount applicable to each descriptor in that body zone.
- (3) In this article—
- (a) “first body zone” means the body zone in relation to which the highest relevant amount would, but for this article, be payable,
 - (b) where the same amount is payable for each of two body zones one is the “first body zone” and the other is to be the “second body zone”,
- and references to the second, third, fourth and fifth body zone are to be construed accordingly.

Amount where injury or injuries are described by more than one descriptor - other cases

- 22.**—(1) This article applies where either paragraph (2) or (3) is satisfied.
- (2) This paragraph applies where—
- (a) one injury or more which is described by more than one descriptor is sustained in or arises from one incident;
 - (b) the descriptors of the injury or injuries relate to one or more body zones;
 - (c) the relevant percentage for the purpose of calculating the amount of a guaranteed income payment is less than 100%; and
 - (d) the descriptor or descriptors which give rise to an entitlement within tariff levels 1 to 11 are in a single body zone.
- (3) This paragraph applies where there are no injuries described by a descriptor which give rise to an entitlement within tariff levels 1 to 11.
- (4) Subject to article 17(2) the amount payable is to be calculated as follows—
- (a) for the first descriptor, 100% of the relevant amount applicable to that descriptor;
 - (b) for the second descriptor, 80% of the relevant amount applicable to that descriptor;
 - (c) for the third descriptor, 60% of the relevant amount applicable to that descriptor;
 - (d) for the fourth descriptor, 40% of the relevant amount applicable to that descriptor;
 - (e) for the fifth and subsequent descriptors, 20% of the relevant amount applicable to each descriptor.
- (5) In this article—
- (a) “first descriptor” means the descriptor in relation to which the highest relevant amount would, but for this article, be payable,

- (b) where the same amount is payable for each of two descriptors one is the “first descriptor” and the other is to be the “second descriptor”,

and references to the second, third, fourth, fifth descriptor and subsequent descriptors are to be construed accordingly.

Recalculation of amount payable following award for additional injury

23.—(1) This article applies where—

- (a) a claim for injury benefit (“the first claim”) has been determined and injury benefit awarded;
- (b) in the circumstances specified in paragraph (2) a further determination is made in relation to an injury sustained in the same incident, or an injury consequential to an injury sustained in that incident; and
- (c) the decision following the further determination—
 - (i) changes a descriptor for an injury;
 - (ii) awards an additional descriptor; or
 - (iii) awards a supplementary award.

(2) The circumstances referred to in paragraph (1)(b) are—

- (a) a further claim is made for injury benefit for another injury, or an injury consequential to an injury sustained in the same incident as the first claim; or
- (b) the decision on the first claim or the further claim is revised following a reconsideration under article 53, or a review under article 55, 56, 57 or 59.

(3) Subject to paragraph (4), the amount of lump sum and any supplementary award payable following the further claim, reconsideration or review is to be re-determined in accordance with article 19, 21 or 22, whichever is applicable to the case.

(4) Where the amount awarded following a re-determination of benefit payable for all injuries sustained in one incident, or consequential to an injury sustained in that incident is increased, account is to be taken of the amount of benefit already paid, and, subject to article 17(2), only the difference between an earlier award and a later award is payable.

Amount of guaranteed income payment

24.—(1) The annual amount of guaranteed income payment is the relevant percentage of the base figure.

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

(3) Subject to paragraph (4), the relevant percentage is—

- (a) 100% where a descriptor gives rise to entitlement at tariff level 1, 2, 3 or 4 (band A);
- (b) 75% where a descriptor gives rise to entitlement at tariff level 5 or 6 (band B);
- (c) 50% where a descriptor gives rise to entitlement at tariff level 7 or 8 (band C); and
- (d) 30% where a descriptor gives rise to entitlement at tariff level 9, 10 or 11 (band D).

(4) Where an award for an injury sustained in or arising from one incident is described by—

- (a) one descriptor, “the relevant percentage” is determined in accordance with paragraph (3);
- (b) more than one descriptor and the first and second descriptors are specified—
 - (i) in the same band, “the relevant percentage” is the percentage specified in the band immediately above the band in which the descriptors are specified (except where the descriptors are specified in band A in which case “the relevant percentage” is 100%);

(ii) in different bands, “the relevant percentage” is the percentage specified in the band in which the descriptor which gives rise to an entitlement to the highest tariff level is specified.

(5) Where the Secretary of State makes a re-determination under article 23(3) and as a result, the first descriptor is at a higher tariff level than it was before the re-determination, the Secretary of State is to re-determine the relevant percentage in accordance with paragraphs (3) and (4).

(6) In this article—

- (a) “the first and second descriptors” mean the descriptors which give rise to an entitlement to the highest tariff levels;
- (b) “the relevant salary” is, subject to paragraph (7), the salary of a member on the day on which the member's service ends or in the case of a former member, the salary on that day up-rated for inflation to the date of claim;
- (c) “the relevant factor” is the figure specified in column (b) of the Table in Schedule 4 in relation to the relevant age specified in column (a); and
- (d) “the relevant age” is the age of the member on the day on which service ends or, in the case of a former member, the date of claim.

(7) Where one or more of the injuries which gives rise to an entitlement to guaranteed income payment was sustained in an incident which occurred on a day when the member or former member, as the case may be, held acting rank, the relevant salary is whichever is the higher of—

- (a) the salary specified in paragraph (6)(b); or
- (b) the actual salary of the member on the day of the incident.

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

[^{F5}Award of armed forces independence payment

24A.—(1) This article applies where the following conditions are satisfied—

- (a) the person has made a valid claim for an award under this article in accordance with Part 6;
- (b) the person becomes and remains entitled to an annual amount of guaranteed income payment in respect of which the relevant percentage under article 24(3) or (4) is 50% or greater; and
- (c) at all times on or after the date of an award of guaranteed income payment, the person has no outstanding claim or appeal for, nor is in receipt of, an extra-costs disability benefit.

(2) The Secretary of State is to award an allowance to be known as armed forces independence payment.

(3) The amount of the allowance is to be [^{F6}[^{F7}£172.75] per week].

Textual Amendments

- F5** Arts. 24A-24F inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(4)**
- F6** Words in art. 24A(3) substituted (10.4.2017) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2017 \(S.I. 2017/247\)](#), arts. 1, **5**
- F7** Sum in art. 24A(3) substituted (10.4.2023) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2023 \(S.I. 2023/323\)](#), arts. 1, **4**

Cessation of entitlement to armed forces independence payment

24B. Entitlement of a person to armed forces independent payment will cease upon either of the conditions in article 24A(1)(b) or (c) failing to remain satisfied, but the person may make another claim.

Textual Amendments

F5 Arts. 24A-24F inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(4)**

Overlapping benefits

[^{F8}**24C.** Where there is payable to a person, in respect of a period, armed forces independence payment and—

- (a) extra-costs disability benefit;
- (b) constant attendance allowance; or
- (c) mobility supplement,

there shall be deducted from the armed forces independence payment the aggregate amount of such benefit, allowance or supplement and only the balance, if any, is to be paid.]

Textual Amendments

F5 Arts. 24A-24F inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(4)**

F8 Art. 24C substituted (10.4.2017) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2017 \(S.I. 2017/247\)](#), arts. 1, **6**

Payment of armed forces independence payment in respect of Motability

24D.—(1) This article applies where—

- (a) armed forces independence payment is payable in respect of a claimant, and
- (b) under arrangements made or negotiated by Motability, an agreement has been entered into by, or on behalf of, the claimant for the hire or hire-purchase of a vehicle.

(2) Where this article applies the Secretary of State may arrange that out of any armed forces independence payment an amount of up to [^{F9}[^{F10}£71.00] per week] be paid on behalf of the claimant in settlement of liability for payments due under the agreement.

(3) Subject to articles 24E and 24F, an arrangement made by the Secretary of State under paragraph (2) terminates at the end of the relevant period specified in paragraph (4), in the case of hire, or paragraph (5), in the case of a hire-purchase agreement.

(4) In the case of hire, the relevant period is—

- (a) where the vehicle is returned to the owner at or before expiry of the term of hire, the period of the term; or
- (b) where the vehicle is retained by, or on behalf of, the claimant with the owner's consent after expiry of the term of hire, the period of the term; or

- (c) where the vehicle is retained by, or on behalf of, the claimant otherwise than with the owner's consent after the expiry of the term of hire or its earlier termination, whichever is the longer of the following periods—
 - (i) the period ending with the return of the vehicle to the owner; or
 - (ii) the period of the term of hire.
- (5) In the case of a hire-purchase agreement, the relevant period is—
 - (a) the period ending with the purchase of the vehicle; or
 - (b) where the vehicle is returned to, or repossessed by, the owner before the completion of the purchase, the original period of the agreement.

Textual Amendments

- F5** Arts. 24A-24F inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(4)**
- F9** Words in art. 24D(2) substituted (10.4.2017) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2017 \(S.I. 2017/247\)](#), arts. 1, **7**
- F10** Sum in art. 24D(2) substituted (10.4.2023) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2023 \(S.I. 2023/323\)](#), arts. 1, **5**

Power for the Secretary of State to terminate a Motability arrangement

24E. The Secretary of State may terminate an arrangement under article 24D(2) on such date as the Secretary of State decides—

- (a) if requested to do so by the owner of the vehicle, or
- (b) if it appears to the Secretary of State that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by article 24D(3).

Textual Amendments

- F5** Arts. 24A-24F inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(4)**

Restriction on duration of Motability arrangements by the Secretary of State

24F. The Secretary of State must terminate an arrangement under article 24D(2) where the Secretary of State is satisfied that—

- (a) the vehicle has been returned to the owner, and
- (b) the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.]

Textual Amendments

- F5** Arts. 24A-24F inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2013 \(S.I. 2013/436\)](#), arts. 1(1), **2(4)**

Injury to a pair of like parts of the body

25.—(1) This article applies where a member loses, or wholly loses the function of, first one (“the first injury”) and later, in another incident, the other (“the second injury”) of a pair of like parts of the body specified in paragraph (5) and—

- (a) both the injuries are caused by service; and
- (b) an award of injury benefit has been made for the first injury.

(2) The descriptor for the second injury is to be the descriptor for the loss of both of the pair of like parts of the body.

(3) Where paragraph (1) applies—

- (a) the lump sum for the second injury is $Y-X$;
- (b) any award of guaranteed income payment made for the first injury ceases to have effect; and
- (c) subject to article 16(8) and (9), guaranteed income payment is payable for the second injury as if the tariff level for that descriptor is determined in accordance with paragraph (2).

(4) In this article—

- (a) Y is the amount specified in column (b) of Table 10 of the tariff corresponding with the tariff level specified in column (a) of the relevant Table for the descriptor for loss of both of the pair of like parts of the body; and
- (b) X is the combined total of all previous awards of lump sum, supplementary award, additional multiple injury lump sum and additional lump sum paid for the loss of one of the pair of like parts of the body.

(5) The pairs of like parts of the body to which this article applies are—

- (a) arms or part of an arm;
- (b) feet (but not toes);
- (c) hands (but not fingers);
- (d) kidneys;
- (e) legs or part of a leg;
- (f) total loss of sight in both eyes; and
- (g) total loss of hearing in both ears.

Temporary Awards

26.—(1) This article applies where the Secretary of State considers that—

- (a) a person has sustained an injury of a description for which no provision is made in the tariff in force on the date—
 - (i) on which the claim for benefit was made; or
 - (ii) of an application for a review under articles 55, 56, 57 or 59;
- (b) that the injury is sufficiently serious to warrant an award of injury benefit; and
- (c) that injury is listed in the International Statistical Classification of Diseases and Related Health Problems ^{M1} or in the Diagnostic and Statistical Manual of Mental Disorders ^{M2}.

(2) The Secretary of State is to make a temporary award in respect of that person relating to the level of the tariff which the Secretary of State considers appropriate for that injury.

(3) The amount of the lump sum payable under a temporary award is the amount which would have been payable had a descriptor been included in the tariff at the tariff level which the Secretary of State considers appropriate for the injury.

(4) Where guaranteed income payment is payable under a temporary award, the amount payable is that which would have been payable had the descriptor been included in the tariff at the tariff level which the Secretary of State considers appropriate for the injury.

(5) The making of a temporary award does not give rise to a right to—

- (a) a reconsideration of the decision under article 53; or
- (b) a review of the decision under article 55, 56 or 57.

(6) Except where paragraph (7) applies, if the Secretary of State—

(a) does, within the period of 1 year starting with the date on which the temporary award is given or sent to the claimant, amend this Order by including a descriptor which describes the injury and is at the same tariff level for which the temporary award is made—

- (i) a decision is to be issued making a permanent award in favour of the claimant, which takes effect on the day on which the amending Order comes into force; and
- (ii) guaranteed income payment is to continue to be paid in accordance with this Order; or

(b) does not within the period of 1 year so amend this Order—

- (i) a decision is to be issued refusing to make a permanent award in favour of the claimant; and
- (ii) guaranteed income payment ceases to be payable under the temporary award at the end of the period but no amount of benefit paid in accordance with that award is recoverable.

(7) This paragraph applies where, after the date of a claim or application for review (referred to in paragraph (1)(a)(ii)) but before the determination of that claim or application, the Secretary of State has amended this Order, by including a descriptor in the tariff which describes the injury at the tariff level which the Secretary of State considers appropriate for that injury.

(8) Where paragraph (7) applies the Secretary of State is to make a temporary award and immediately issue a decision making the temporary award permanent.

Marginal Citations

M1 World Health Organisation, Geneva. 10th revision (1992).

M2 American Psychiatric Association, Washington DC 20005 USA. 4th Edition, Text Revision (2000).

Fast payment

27.—(1) A fast payment is to be made where the Secretary of State is satisfied that—

- (a) an injury has occurred during service and is caused by service; and
- (b) if a claim for injury benefit is made one or more of the injuries sustained will be described by a descriptor which gives rise to an entitlement within tariff levels 1 to 8.

(2) The amount of the fast payment is to be the amount specified in column (b) of Table 10 of the tariff for an injury at tariff level 8.

(3) Following a determination of a claim for injury benefit, account is to be taken of the fast payment and only the difference between the amount of the fast payment and the amount of injury benefit payable on determination of that claim is to be paid.

(4) A decision under this article does not give rise to a right to a reconsideration under article 53.

(5) In this article “determination of a claim for injury benefit” means the amount of injury benefit payable for all the injuries arising from the same incident in relation to which the claim for a fast payment has been made.

Medical expenses

28.—(1) Any necessary expenses of a former member may be paid for wholly or in part by the Secretary of State if the conditions specified in paragraph (2) are satisfied.

(2) Subject to paragraph (5) the conditions referred to in paragraph (1) are that the former member—

- (a) has been awarded injury benefit where one or more of the injuries sustained gave rise to an entitlement to a descriptor within tariff levels 1 to 8;
 - (b) became ordinarily resident outside the United Kingdom within the period of 1 year starting with the day service ends; and
 - (c) is ordinarily resident outside the United Kingdom when the expenses are incurred.
- (3) The necessary expenses referred to paragraph (1) include, but are not limited to—
- (a) medical, surgical or rehabilitative treatment;
 - (b) professional nursing care;
 - (c) appropriate medical aids and appliances; and
 - (d) any expenses which the Secretary of State considers are incidental to the expenses specified in subparagraphs (a) to (c).
- (4) ^{F11}

(5) Where a former member is physically or mentally incapable of making arrangements to move outside the United Kingdom for some or all of the period specified in paragraph (2)(b), that period is to be extended for such further period, as in all the circumstances of the case, the Secretary of State considers reasonable.

Textual Amendments

F11 Art. 28(4) omitted (21.7.2012) by virtue of [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Amendment\) Order 2012 \(S.I. 2012/1573\)](#), arts. 1(1), 4 (with art. 8)

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, PART 3.