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STATUTORY INSTRUMENTS

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**2014 No. 412**

**PENSIONS**

**The Armed Forces and Reserve Forces  
(Compensation Scheme) (Amendment) Order 2014**

*Made* - - - - 23rd February 2014  
*Laid before Parliament* 27th February 2014  
*Coming into force* - - 7th April 2014

The Secretary of State, in exercise of the powers conferred by section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004<sup>(1)</sup>, makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2014 and comes into force on 7th April 2014.

(2) In this Order “the principal Order” means the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011<sup>(2)</sup> and a reference to a numbered article is a reference to the article, Table or Schedule in the principal Order which bears that number.

**Amendment of the principal Order**

2.—(1) The principal Order is amended as follows.

(2) In article 12 (injury and death – other exclusions) the existing provision becomes 12—(1).

(3) After (g) insert—

“(2) Where a person is in receipt of any retired pay, pension, allowance or other continuing benefit awarded under the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 in respect of a disablement or death, that disablement or death shall not be accepted as an injury or death caused (wholly or partly) by service for the purposes of this Order.”.

(4) In article 24A(3) for “£134.40” substitute “£138.05”.

(5) In article 24D(2) for “£55.25” substitute “£56.75”.

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(1) 2004 c.32.

(2) S.I. 2011/517 as amended by S.I. 2011/2552, S.I. 2012/1573 and S.I. 2013/436.

**Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 1**

3. In Schedule 3 (the tariff and supplementary awards) to the principal Order for Table 1 (Burns) in Part 1 substitute the Table set out in the Schedule to this Order.

**Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 2**

4. In Table 2 (injury, wounds and scarring)—
- (a) in item 11 substitute “6” for “7”;
  - (b) in item 15 substitute “7” for “8”;
  - (c) in item 30 substitute “10” for “11”;
  - (d) in items 12, 22, and 31 substitute—
    - “High energy transfer gunshot wound, deeply penetrating missile fragmentation or other penetrating injury (or all or any combination of these)”
    - for—
    - “High velocity gun shot wound, deep shrapnel fragmentation or other penetrating injury (or all or any combination of these)”;
  - (e) in item 41 substitute—
    - “High energy transfer gunshot wound, deeply penetrating missile fragmentation or other penetrating injury (or all or any combination of these)”
    - for—
    - “High velocity gun shot wound, deep shrapnel fragmentation or one or more puncture wounds (or all or any combination of these injuries)”;
  - (f) after item 55 insert—
    - “55B 13 Blunt trauma resulting in soft tissue injury to head and neck, torso or limb, which has required, or is expected to require, operative treatment.”;
  - (g) in footnote a to the Table substitute “In items 55A and 65A, a descriptor” for “A descriptor”.

**Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 3**

5. In Table 3 (mental disorders) substitute—
- “(\*) Mental disorders must be diagnosed by a clinical psychologist or psychiatrist at consultant grade.”
  - for—
  - “(\*) Mental disorders must be diagnosed by a relevant accredited medical specialist.”.

**Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 4**

6. In Table 4 (physical disorders – illnesses and infectious diseases)—
- (a) after item 1 insert—
    - “1A 6 Physical disorder causing permanent very severe functional limitation or restriction.”;
  - (b) in item 3 substitute “8” for “9”;
  - (c) after—

“Mental and behavioural disorders and traumatic and accidental physical injuries are excluded.”

insert—

“(\*) Permanent functional limitation or restriction is very severe when the claimant is unable to undertake work appropriate to experience, qualifications and skills, following best practice treatment, and at best thereafter is able to undertake work only sporadically and in physically undemanding jobs.

(\*) Permanent functional limitation or restriction is severe where the claimant is unable to undertake work appropriate to experience, qualifications or skills at the time of onset of the disorder and over time able to work in only physically less demanding jobs.”.

### **Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 6**

7. In Table 6 (neurological disorders, including spinal, head or brain injuries) after item 21 insert—

“21A 7 Brain injury, with substantial recovery of sensory and cognitive function, some useful recovery of upper and/or lower limb motor and sensory function, but with some residual motor deficit in upper or lower limbs or both.”.

### **Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 8**

8. In Table 8 (fractures and dislocations) after Item 102 insert—

“(\*) In this table, shoulder includes acromio-clavicular and sterno-clavicular joints.”.

### **Amendment of Schedule 3 (the tariff and supplementary awards) Part 1 Table 9**

9. In Table 9 (musculoskeletal disorders)—

(a) for Item 2A substitute—

“2A 9 Traumatic back injury resulting in vertebral or intervertebral disc damage and medically verified neurological signs, which has required, or is expected to require, operative treatment and which is expected to result in permanent significant functional limitation or restriction.”;

(b) in item 4 after “full thickness rupture, affecting one” insert “hip”;

(c) for Item 25 substitute—

“25 13 Radiologically confirmed osteoarthritis of hip, knee, ankle, back, shoulder, elbow or wrist (caused by repetitive or attrition injury) causing permanent significant functional limitation or restriction.”;

(d) at the end of the Table substitute—

“(\*) References to back in this table include cervical, thoracic, lumbar and sacral vertebral segments or coccyx.”

for—

“(\*) References to back in this table include cervical, thoracic, lumbar or sacral vertebral segments.”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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23rd February 2014

*Anna Soubry*  
Parliamentary Under Secretary of State  
Ministry of Defence

SCHEDULE 1

Article 3

TABLE TO BE SUBSTITUTED FOR TABLE 1 IN PART 1 OF SCHEDULE 3 TO THE PRINCIPAL ORDER

“Table 1 – Burns(\*)

<i>Item</i>	<i>Column (a) Level</i>	<i>Column (b) Description of injury and its effects (“descriptor”)</i>
1	4	Burns, with partial, deep or full thickness burns affecting 70% or more of whole body surface area.
2	5	Burns, with partial, deep or full thickness burns affecting 50 to 69.9% of whole body surface area.
3	5	Burns, with partial, deep or full thickness burns to the face or face and neck including one or more of the following: loss of or very severe damage to chin, ear, lip or nose, resulting in or expected to result in residual scarring and poor cosmetic result despite treatment and camouflage.
4	6	Burns, with partial, deep or full thickness burns affecting 15 to 49.9% of whole body surface area.
5	7	Burns, with partial, deep or full thickness burns to the face or face and neck resulting in, or expected to result in, residual scarring and poor cosmetic result despite treatment and camouflage.
6	8	Burns, with partial, deep or full thickness burns affecting 9 to 14.9% of whole body surface area.
7	9	Burns, with partial, deep or full thickness burns to face or face and neck resulting in, or expected to result in, residual scarring and satisfactory cosmetic result with camouflage.
8	11	Burns, with partial, deep or full thickness burns affecting 4.5 to 8.9% of whole body surface area.
9	12	Burns, with partial, deep or full thickness burns affecting less than 4.5 of whole body surface area.
10	12	Burns, with superficial burns affecting more than 15% of whole body surface area.
11	13	Burns, with superficial burns to the face or face and neck.
12	14	Burns, with superficial burns affecting 4.5 to 15% of whole body surface area.
13	15	Burns, with superficial burns affecting 1 to 4.4% of whole body surface area.

(\*) Awards for all burns include compensation for any residual scarring or pigmentation and take into account any skin grafting.

(\*) Awards for partial, deep or full thickness burns include compensation for actual or expected metabolic or cardiovascular consequences.”

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## 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 principal Order”) which provides for benefits to be payable to or in respect of a person by reason of injury or illness (whether physical or mental), or death, which is caused (wholly or partly) by service in the armed forces or reserve forces.

Article 12 is amended to ensure that those who are in receipt of payment for an injury under the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 (S.I. 2006/606) cannot receive a further payment for the same injury under the principal Order.

Articles 24A and 24D are amended to take account of an increase in the amount of the armed forces independence payment and the amount of the armed forces independence payment that may be applied, on behalf of the claimant, in respect of Motability, as defined in article 2 of the principal Order. These increases are in line with the consumer prices index.

The amendments to Tables 1 to 4, 6, 8 and 9 insert new descriptors (description of injury or illness) or amend existing descriptors in the tariff. The tariff lists the various forms of injury or illness for which compensation is payable, specifies a numerical tariff level and specifies for each tariff level the amount of compensation payable. Where a person sustains an injury which the Secretary of State considers is sufficiently serious to warrant an award, he may make a temporary award under article 26 of the principal Order, but must amend the tariff within 1 year of making the award. The new and amended descriptors are as a result of making temporary awards or follow recommendations made by the Independent Medical Expert Group (IMEG), who advise the Secretary of State in respect of medical matters relating to the scheme. Some adjustments have also been made to the numerical tariff levels of some descriptors. These adjustments are also on the recommendations of IMEG.

The amendments to the above Tables also include the addition of or amendment to some of the Table footnotes which are intended to assist the categorisation of injuries or illnesses.

The other amendments correct minor drafting errors in the principal Order.