STATUTORY INSTRUMENTS

2009 No. 3236

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2009

Made - - - -	*8th December 2009*
Laid before Parliament	*10th December 2009*
Coming into force - -	*11th January 2010*

The Secretary of State, in exercise of the powers conferred by sections 1(2) and 10(2) and (3) of the Armed Forces (Pensions and Compensation) Act 2004(**a**), 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 2009 and shall come into force on 11th January 2010.

(2) In this Order "the principal Order" means the Armed Forces and Reserve Forces (Compensation) Scheme Order 2005(**b**).

Amendment to table 6 of Schedule 4 (the Tariff)

2.—(1) In table 6 of Schedule 4 to the principal Order insert in the appropriate places—

"3A.	2	Brain injury where epilepsy is present (or where there is a high risk of epilepsy) and full-time skilled nursing care is required, and the claimant has two of the following: reflex activity but little or no meaningful response to the environment, no language or double incontinence.[(ab)]

[(ab)] The Claimant is likely to have had a post-resuscitation Glasgow Coma scale of less than 5.".

(2) Except where paragraph (3) applies the amendment in paragraph (1) shall not apply to any claim made before the coming into force of this Order.

(3) This paragraph applies where the Secretary of State determines (whether before or after the coming into force of this Order) that a temporary award in accordance with article 20 of the principal Order should be made in respect of an injury which is of the same description as the injury described in the amendment to table 6 of Schedule 4 in paragraph (1).

(**a**) 2004 c. 32.
(**b**) S.I. 2005/439, amended by S.I. 2006/1438, 2007/2609, 2008/39, 2008/2160 and 2008/2942.

Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

8th December 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 ("the Scheme") which provides for benefits 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.

The purpose of this Order is to make an amendment to the Tariff. This lists the various forms of injury or disease for which compensation is available under the Scheme. Where there is no appropriate descriptor in the Tariff the Secretary of State may make a temporary award under article 20 of the Scheme. The amendment made by article 2 is as a consequence of the making of a temporary award. It inserts a new descriptor and provides that the amendment shall not apply to a claim made before the coming into force of this Order, unless the descriptor is used where a temporary award is made.

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