STATUTORY INSTRUMENTS

2016 No. 557

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2016

Made - - - -	*3rd May 2016*
Laid before Parliament	*6th May 2016*
Coming into force - -	*31st May 2016*

The Secretary of State, in exercise of the powers conferred by section 1(2) 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 2016 and comes into force on 31st May 2016.

(2) In this Order "the principal Order" means the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011**(b)**.

Amendment to article 5 (descriptor, further interpretative provisions) of the principal Order

2. In article 5 (descriptor, further interpretative provisions) of the principal Order after paragraph (7) insert—

"(8) The term "operative treatment" means surgical intervention intended to investigate or treat but excludes insertion of sutures under local anaesthetic, acupuncture, facet or other joint injection or minor dental procedure."

Amendment to Table 2 (injury, wounds and scarring) of Schedule 3 to the principal Order

3. Table 2 (injury, wounds and scarring) of Schedule 3 to the principal Order is amended as follows—

(a) before item 1 insert—

"A1 2 Bilateral complex injury to both upper limbs including hand on only one side and only from above elbow on the other, causing permanent total or virtually total functional limitation or restriction.";

(b) after item 22 insert—

(**a**) 2004 c.32.
(**b**) S.I. 2011/517 as amended by relevant instruments S.I. 2011/2552, S.I. 2012/1573, S.I. 2014/412 and S.I. 2015/413.

"22A 9 Non-freezing cold injury in the feet, hands or both, with small fibre neuropathy diagnosed clinically and by appropriate tests with continuing neuropathic pain and severely compromised mobility or dexterity beyond 26 weeks.";

(c) delete item 27;

(d) for item 55 substitute—

"55 13 Non-freezing cold injury which has caused neuropathic pain in the feet, hands or both, with significant functional limitation or restriction at 26 weeks and substantial recovery beyond that time. Continuing cold sensitivity may be present beyond 26 weeks.";

(e) for item 65 substitute—

"65 14 Non-freezing cold injury which has caused pain in the feet, hands or both, with functional limitation or restriction at 6 weeks and substantial recovery by 12 weeks. Continuing cold sensitivity may be present beyond 12 weeks.";

(f) after item 68 insert—

"(*) A non-freezing cold injury must be diagnosed by a non-treating consultant neurologist.

(*) Neuropathic pain is pain initiated or caused by a primary lesion or disorder of the nervous system.

(*) A descriptor for a freezing cold injury refers to either unilateral or bilateral damage to the upper or lower extremities.".

4. In Table 8 (fractures and dislocations) of Schedule 3 to the principal Order after item 102 insert —

"(*) In this table, "with complications" means that the injury is complicated by at least one of septicaemia, osteomyelitis, clinically significant vascular or neurological injury, avascular necrosis, gross shortening of the limb, mal-united or non-united fracture, or the fact that the claimant has required, or is expected to require, a bone graft."

Mark Lancaster
Parliamentary Under Secretary of State
Ministry of Defence

3rd May 2016

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, illness or death, which is caused (wholly or partly) by service in the regular or reserve armed forces.

Article 2 amends the principal Order by inserting a meaning for the term "operative treatment".

Article 3 amends Schedule 3 Table 2 of the principal Order by replacing the existing descriptors for non-freezing cold injuries with three new descriptors and adds a new bilateral complex injury descriptor that was awarded as a temporary award in June 2015.

Article 4 amends Schedule 3 Table 8 by inserting a meaning for the term "with complications".

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