STATUTORY INSTRUMENTS

2021 No. 285

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2021

Made - - - -	*8th March 2021*
Laid before Parliament	*15th March 2021*
Coming into force - -	*12th April 2021*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(2) and 10(3) of the Armed Forces (Pensions and Compensation) Act 2004(**a**).

Citation and commencement

1. This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2021 and comes into force on 12th April 2021.

Amendment of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011

2. The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**b**) is amended in accordance with articles 3 to 6.

Amendment of article 24A

3. In article 24A (award of armed forces independence payment)(**c**), in paragraph (3), for "£151.40" substitute "£152.15".

Amendment of article 24D

4. In article 24D (payment of armed forces independence payment in respect of Motability)(**d**), in paragraph (2), for "£62.25" substitute "£62.55".

Amendment of Schedule 2

5. In Schedule 2 (modifications for reserve forces), in paragraph 4 (modification of article 35 (amount of bereavement grant))(**e**), in the substituted article 35, in paragraph (3), after "RFPS 2005" insert "or the AFPS 2015".

(**a**) 2004 c. 32.
(**b**) S.I. 2011/517: relevant amending instruments are S.I. 2011/2552, 2013/436, 2014/412, 2015/413, 2016/557, 2017/247, 2018/293, 2019/440 and 2020/213.
(**c**) Article 24A was inserted by S.I. 2013/436 and amended by S.I. 2014/412, 2015/413, 2017/247, 2018/293, 2019/440 and 2020/213.
(**d**) Article 24D was inserted by S.I. 2013/436 and amended by S.I. 2014/412, 2017/247, 2018/293, 2019/440 and 2020/213.
(**e**) Paragraph 4 was amended by S.I. 2011/2552.

Amendment of Schedule 3

6.—(1) Schedule 3 (the tariff and supplementary awards), Part 1 (descriptors, tariff levels and amounts – "the tariff") is amended as follows.

(2) In Table 8 (fractures and dislocations)(**a**) for the entry in column (b) (description of injury and its effects ("descriptor")) in respect of item 45, substitute—

> "Blow-out, or other, fracture of orbit which has required, or is expected to require, operative treatment.".

Saving provision relating to article 5

7.—(1) The amendment made by article 5 is to have no effect in relation to an award of a bereavement grant where the claim for the grant was made or treated as made before 12th April 2021.

(2) In this article, "bereavement grant" means the grant referred to in article 29(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.

Johnny Mercer
Parliamentary Under Secretary of State
Ministry of Defence

8th March 2021

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 caused wholly or partly by service in the regular or reserve armed forces.

Article 3 amends article 24A of the principal Order to increase the amount of the allowance known as "the armed forces independence payment" which is designed to provide financial support to cover extra costs that a recipient of that benefit may incur as a result of a relevant injury. That amount is increased to £152.15 per week.

Article 4 amends article 24D of the principal Order to increase the amount that may be paid in settlement of liabilities due under an agreement between a claimant and Motability in respect of the hire or hire purchase of a vehicle. That amount is increased to £62.55 per week.

Article 5 amends paragraph 4 in Schedule 2 to the principal Order. That paragraph modifies article 35 of the principal Order in relation to the reserve forces. Article 35 concerns bereavement grants. This amendment will make the modified article 35 consistent with the unmodified article 35 in respect of the amount of bereavement grant payable in relation to regulars and reserves who were also members of the Armed Forces Pension Scheme 2015.

Article 6 amends Schedule 3 to the principal Order by amending a descriptor in Table 8.

Article 7 contains a saving provision in relation to the amendment in article 5, to ensure that the change made by article 5 will not affect an award of a bereavement grant, where the claim was made or treated as made before 12th April 2021.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

(**a**) Table 8 has been amended by S.I. 2011/2552, 2014/412, 2015/413, 2016/557 and 2018/293.

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