EXPLANATORY MEMORANDUM TO

THE WAR PENSIONS COMMITTEES (AMENDMENT) REGULATIONS 2017

2017 No. 1133

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the War Pensions Committees Regulations 2000 (S.I. 2000/3180) ("the principal Regulations") to make further provision in relation to war pensions committees. This instrument extends the committees' statutory functions to include matters connected with benefits payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 ("the AFCS scheme"). It also extends the recommendation-making functions of the committees and extends their functions to cover those claiming war pensions or benefits under the AFCS scheme, as well as those receiving them. It also renames the war pensions committees established by the principal Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument is made under section 25 of the Social Security Act 1989. These powers were amended by section 15 of the Armed Forces Act 2016

5. Extent and Territorial Application

5.1 The extent of this instrument is England, Wales, Scotland and Northern Ireland.

5.2 The territorial application of this instrument is the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 There are currently 13 war pensions committees, which operate across England, Wales, Scotland and Northern Ireland. Between them they cover the whole of the UK.

7.2 The war pensions committees were originally given functions relating to benefits payable under the War Pension Scheme and recipients of those benefits. The War Pension Scheme provides compensation for death or injury caused by service in the armed forces before 6th April 2005. In 2009, the committees' functions were reviewed and they were given an expanded remit for a trial period, which included exercising functions relating to the Armed Forces Compensation Scheme (AFCS). The AFCS is the compensation scheme established to provide compensation for death or injury caused by service on or after 6th April 2005, and is set out in the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517). At the end of the trial period in December 2011, the committees' expanded remit was endorsed and the committees have continued to carry out these functions.

7.3 Since 2011, with the agreement of the Ministry of Defence, war pensions committees have also been known as Veterans Advisory & Pensions Committees (VA&PC) to reflect their expanded remit.

7.4 To formalise both of these changes, this instrument extends the committees' functions to matters connected with benefits payable under the AFCS and to claimants of such benefits and to those claiming war pension, and extends their recommendation-making function. It also renames each of the committees as 'Veterans Advisory and Pensions Committees' for the areas they currently cover.

Consolidation

7.5 The amendments are relatively minor and it was not considered appropriate to produce a consolidated instrument at this time.

8. Consultation outcome

8.1 The committees started exercising these extended functions during a pilot in 2010. In order to put these extended functions on a statutory footing it was necessary to extend the power in the Social Security Act 1989 to make provision for such committees.

8.2 The Department considered proposals by all VA&PC chairs for an expansion of the functions of war pensions committees during the preparation and passage of the Armed Forces Act 2016 (c. 21), which amended the enabling powers for the principal Regulations.

8.3 DBS Veterans UK has agreed with the VA&PC that some proposals should be developed as amendments to the principal Regulations (i.e. the amendments made by this instrument). Other proposals have been included in revised terms of reference for the VA&PC, or can otherwise be implemented without secondary legislation.

8.4 The VA&PC was provided with a draft of the instrument and is content.

9. Guidance

9.1 DBS Veterans UK will notify the Chair of each VA&PC of the instrument once it has been laid in Parliament. Committees already understand their expanded functions, so it is unlikely that further guidance will be provided.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 DBS Veterans UK will monitor and review the operation of the expanded functions in consultation with the chairs of the VA&PCs through the biannual conferences for the chairs of committees, the Veterans UK Customer Advisory Group of which the VA&PC chairs are a member, and regular attendance by DBS Veterans UK officials at regional VA&PC Committee meetings.

13. Contact

13.1 Sally Hitchcock at the Ministry of Defence Telephone: 020 7218 89681 or email: Sally.Hitchcock102@mod.gov.uk can answer any queries regarding the instrument.