STATUTORY INSTRUMENTS

2018 No. 293

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2018

Made - - - -	*28th February 2018*
Laid before Parliament	*8th March 2018*
Coming into force - -	*9th April 2018*

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

Citation and commencement

1. This Order may be cited as the Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2018 and comes into force on 9th April 2018.

General

2. The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**2**) is amended in accordance with articles 3 to 10.

Amendment of article 12

3. In article 12 (injury and death – other exclusions)—

(a) in paragraph (1), in sub-paragraph (f), for paragraph (iv) substitute—

"(iv) an exogenous infection; or";

(b) after paragraph (1), insert—

"(1A) Paragraph (1)(f)(iv) does not apply where—

(a) an exogenous infection is acquired in a non-temperate region and the person infected has been exposed to it in the course of service; or

(b) in a temperate region, there has been an outbreak of an exogenous infection in service accommodation or in a workplace.";

(**1**) 2004 c. 32.
(**2**) S.I. 2011/517 as amended by S.I. 2011/2552, 2012/1573, 2013/436, 2014/412, 2015/4132016/557 and 2017/247.

(c) after paragraph (2) insert—

"(3) For the purposes of paragraph (1A)(b), an outbreak of an exogenous infection means any of the following—

(a) the occurrence of cases of infection in excess of what would normally be expected in a particular community, geographical area or season;

(b) a single incident of infection in the form of a communicable disease—

(i) long absent from, or

(ii) caused by a bacterium, virus or other agent not previously recognised in,

a particular community or geographical area;

(c) the emergence of a previously unknown disease in a particular community, geographical area or season.".

Amendment of article 24A

4. In article 24A (award of armed forces independence payment)(**3**), in paragraph (3) for "£141.10" substitute "£145.35".

Amendment of article 24D

5. In article 24D (payment of armed forces independence payment in respect of Motability)(**4**), in paragraph (2), for "£58.00" substitute "£59.75".

Amendment of article 39

6. In article 39 (adjustment of guaranteed income payment, survivor's guaranteed income payment and child's payment to take account of other amounts)(**5**), for paragraph (3)(b) substitute—

"(b) to a payment or to an ill-health pension which is paid for the same injury for which the guaranteed income payment is paid, then the amount of the guaranteed income payment is reduced by the full amount of the payment or, as the case may be, the ill-health pension.".

Amendment of article 55

7. In article 55 (review – service termination), in paragraph (8), after "this article" insert "and articles 56 and 57".

New Part 8A

8. After Part 8 (payment), insert the following new part—

(**3**) Article 24A was inserted by S.I. 2013/436 and amended by S.I. 2014/412, 2015/413 and 2017/247.
(**4**) Article 24D was inserted by S.I. 2013/436 and amended by S.I. 2014/412 and 2017/247.
(**5**) To which there are amendments not relevant to this Order.

"Part 8A

Invalidity of Assignments and Bankruptcy

Invalidity of assignments and bankruptcy

69A.—(1) Any assignment or charge, and any agreement to assign or charge, any pension, allowance, benefit or lump sum which may be or has been awarded to a person under this Order is void.

(2) On the bankruptcy of a person referred to in paragraph (1) no part of an award referred to in that paragraph shall pass to any trustee or person acting on behalf of the creditors.".

Amendment of Schedule 2

9. In Schedule 2 (modifications for reserve forces), in paragraph 5 (modification of article 39 (adjustment of guaranteed income payment, survivor's guaranteed income payment and child's payment to take account of other amounts))(**6**), in the substituted article 39—

(a) in paragraph (1)(b), after "2005" insert "or the Armed Forces Early Departure Payments Scheme Regulations 2014(**7**)";

(b) in paragraph (4)(b), after "ill-health pension" insert "or a payment".

Amendment of Schedule 3

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

(2) In Table 6 (neurological disorders, including spinal, head or brain injuries)(**8**)—

(a) for the entry in column (b) (description of injury and its effects ("descriptor")) in respect of—

(i) item 5, after "major" insert "and permanent";

(ii) item 11, substitute—

"Brain injury where the claimant has some permanent limitation of response to the environment together with substantial motor and sensory problems and one or more substantial cognitive, personality or behavioural problems, and that injury requires some professional nursing care and is likely to require considerable regular support from other health professionals.";

(iii) item 17, substitute—

"Brain injury where the claimant has moderate and permanent motor or sensory problems and one or more permanent substantial cognitive, personality or behavioural problems, and that injury requires regular help or full-time supervision from others with activities of everyday living but does not require professional nursing care or regular help from other health professionals.";

(iv) item 21A, substitute—

"Brain injury from which the claimant has made a substantial recovery, has no major cognitive personality or behavioural problems, but has substantial functionally disabling motor deficit in upper and or lower limbs, but is able to undertake some form of regular employment[(a)].";

(**6**) Paragraph (5) was amended by S.I. 2015/413.
(**7**) S.I. 2014/2328.
(**8**) Table 6 has been amended by S.I. 2011/2552, 2014/412 and 2017/247.