STATUTORY INSTRUMENTS

2017 No. 247

PENSIONS

The Armed Forces and Reserve Forces (Compensation Scheme) (Amendment) Order 2017

Made - - - -	*23rd February 2017*
Laid before Parliament	*6th March 2017*
Coming into force - -	*10th April 2017*

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 2017 and comes into force on 10th April 2017.

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

2. The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**2**) ("the principal Order") is amended as follows.

Amendment of article 2 (interpretation)

3. In paragraph (1) of article 2 (interpretation) of the principal Order—

(a) after the definition of "a Commissioner", insert—

> ""constant attendance allowance" means a constant attendance allowance under article 8 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**3**);";

(b) in the definition of "ill-health pension"—

(i) at the end of sub-paragraph (b), omit "or";

(ii) at the end of sub-paragraph (c) insert "or"; and

(**1**) 2004 c. 32.
(**2**) S.I. 2011/517, amended by S.I. 2011/2552, 2012/1573, 2013/436, 2014/412, 2015/413 and 2016/557.
(**3**) S.I. 2006/606; relevant amending instruments are S.I. 2006/1455, 2007/909, 2008/679, 2009/706, 2012/359, 2013/241, 2015/208 and 2016/374.

(iii) after sub-paragraph (c) insert—

"(d) Chapter 3 of Part 5 of the AFPS 2015;"; and

(c) after the definition of "member", insert—

""mobility supplement" means a mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**4**);".

Amendment of article 12 (injury and death – other exclusions)

4. For paragraph (2) of article 12 (injury and death – other exclusions) of the principal Order, substitute—

"Where a person is in receipt of any retired pay, pension, allowance or other continuing benefit awarded under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**5**) in respect of a disablement or death—

(a) that disablement shall not be accepted as an injury, or worsening of injury, caused wholly or predominantly by service for the purposes of this Order;

(b) that death shall not be accepted as caused wholly or predominantly by service for the purposes of this Order.".

Amendment of article 24A (award of armed forces independence payment)

5. In paragraph (3) of article 24A (award of armed forces independence payment) of the principal Order, for "£139.75 per week" substitute "£141.10 per week".

Amendment of article 24C (overlapping benefits)

6. For article 24C (overlapping benefits) of the principal Order, substitute—

"**24C.** Where there is payable to a person, in respect of a period, armed forces independence payment and—

(a) extra-costs disability benefit;

(b) constant attendance allowance; or

(c) mobility supplement,

there shall be deducted from the armed forces independence payment the aggregate amount of such benefit, allowance or supplement and only the balance, if any, is to be paid.".

Amendment of article 24D (payment of armed forces independence payment in respect of Motability)

7. In paragraph (2) of article 24D (payment of armed forces independence payment in respect of Motability) of the principal Order, for "£56.75 per week" substitute "£58.00 per week".

Amendment of article 53 (reconsideration)

8. In paragraph (3)(b) of article 53 (reconsideration) of the principal Order, after paragraph (iv) insert—

(**4**) S.I. 2006/606; relevant amending instruments are S.I. 2007/909, 2008/679, 2009/706, 2012/359, 2013/241, 2013/388, 2015/208, 2016/228 and 2016/374.

(**5**) S.I. 2006/606; relevant amending instruments are S.I. 2006/1455, 2007/909, 2008/679, 2008/2683, 2009/706, 2011/1740, 2012/359, 2013/241, 2013/388, 2013/630, 2014/107, 2014/3229, 2015/208, 2016/228, 2016/236 and 2016/374.