



Defence Business Services
Secretariat
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Ref: FOI2022/06785

DBSRES-Secretariat@mod.gov.uk

June 2022

Dear [REDACTED]

Thank you for your email of 5 June 2022 to the Ministry of Defence (MOD), seeking the following information:

“My FOI requests are:

- 1. I would like to know where to find and obtain a copy of the current Government legislation that governs WPS.*
- 2. I would also like to request Specifically on what are the current governing legislation on WPS that action the following:*
 - A. When visiting UK from Jersey Channel Islands, to attend a WPS Tribunal, what Travel, Accommodation and Supplemental Entitlements are allowed to be claimed for and the time period they are to be paid out by the First Tier Tribunal?*
 - B. When living in Jersey Channel Islands what medical claim expenses are allowed to be claimed for, on the treatment that is available in the UK but not in Jersey, and what is the time period for these requests to be made and then actions to be carried out by Veterans UK?”*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the MOD and I can confirm all information in scope of your request is held.

The information you have requested falls entirely within the scope of an absolute exemption under Section 21 of the FOIA as it is reasonably accessible by other means. As Section 21 is an absolute exemption, there is no requirement to consider the public interest in making the decision to withhold the information.

Under Section 16 (Advice and Assistance) the legislation that governs the War Pension Scheme is called The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order (SPO) 2006. This can be found at the following link:

<https://www.legislation.gov.uk/uksi/2006/606/contents>

Regarding claiming of travel expenses to attend a War Pension Tribunal, Rule 20 of The Tribunal Procedure (First-Tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008, applies in respect of paying expenses for attendance at a Tribunal. Details of this rule can be found at the following link:

<https://www.legislation.gov.uk/uksi/2008/2686/article/20>

You may wish to be aware that this rule states that the Tribunal will cover actual travel expenses reasonably incurred, together with a subsistence allowance at a prescribed rate within the UK. This can be claimed by the appellant or someone attending on their behalf due to health reasons. If an appeal is successful, the Tribunal may make reasonable compensation for loss of time up to a prescribed maximum. Provided the Tribunal considers attendance necessary; it may also pay for the attendance of a medical witness at the hearing.

I can also advise that further information on travel from Jersey for a Tribunal can be obtained directly from the War Pensions and Armed Forces Compensation Appeals Tribunal at the following address:

War Pensions and Armed Forces Compensation
PO Box 10875
Arnhem House
Leicester
LE1 8FE
United Kingdom

Email: armedforces.chamber@justice.gov.uk
Telephone: 0330 808 4458

With regards to your request for information on medical claim expenses, you may also wish to be aware that Article 21 of the SPO delivers the legislative provision which enables the Secretary of State to consider reimbursing any medical expenses incurred wholly or mainly because of the War Pension Scheme Accepted Disablements. In the UK, the medical care of all residents, including veterans, is the responsibility of the NHS. They provide free treatment, aids and appliances to residents.

In acknowledging that there is no NHS provision outside of the UK, the Secretary of State may exercise discretion, under Article 21 of the Service Pensions Order, to meet the cost of treatment which is clinically necessary for disablement due to service. For Veterans UK to be able to consider funding the treatment it cannot be available free of charge through the health system in the country of residence. The intent behind this is to put overseas resident war pensioners on an equal, but not advantageous, footing to their UK counterparts. If the claimed medical expense item is not available to UK veterans via the NHS, the Department will not be able to fund the item for overseas veterans. The time limit for making a travel expenses claim is 12 months from the date of travel, however there are no time limits on making a claim for medical expenses. For ease of reference, a link to that specific part of the SPO legislation can be found below:

<https://www.legislation.gov.uk/uksi/2006/606/article/21>

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-

IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Defence Business Services Secretariat