



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

Introductory

1 Cases in which this Act applies.

- (1) This Act applies in cases where—
- (a) a person makes a payment (whether on his own behalf or not) to or in respect of any other person in consequence of any accident, injury or disease suffered by the other, and
 - (b) any listed benefits have been, or are likely to be, paid to or for the other during the relevant period in respect of the accident, injury or disease.
- (2) The reference above to a payment in consequence of any accident, injury or disease is to a payment made—
- (a) by or on behalf of a person who is, or is alleged to be, liable to any extent in respect of the accident, injury or disease,^{F1}...
 - (b) in pursuance of a compensation scheme for motor accidents^{F2}, or
 - (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);]
- but does not include a payment mentioned in Part I of Schedule 1.
- (3) Subsection (1)(a) applies to a payment made—
- (a) voluntarily, or in pursuance of a court order or an agreement, or otherwise, and
 - (b) in the United Kingdom or elsewhere.
- (4) In a case where this Act applies—
- (a) the “injured person” is the person who suffered the accident, injury or disease,
 - (b) the “compensation payment” is the payment within subsection (1)(a), and
 - (c) “recoverable benefit” is any listed benefit which has been or is likely to be paid as mentioned in subsection (1)(b).

Changes to legislation: There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, Cross Heading: Introductory. (See end of Document for details)

Textual Amendments

- F1** Word in s. 1(2)(a) omitted (31.3.2014) by virtue of Mesothelioma Act 2014 (c. 1), s. 19(1), **Sch. 1 para. 2(a)**; S.I. 2014/459, art. 3(c)
- F2** S. 1(2)(c) inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), **Sch. 1 para. 2(b)**; S.I. 2014/459, art. 3(c)

Modifications etc. (not altering text)

- C1** S. 1(3) applied (with modifications) (1.10.2008) by Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596), regs. 1(1), 2, **Sch. 1** (with reg. 6)

Commencement Information

- II** S. 1 wholly in force at 6.10.1997; s. 1 not in force at Royal Assent see s. 34(2); s. 1(2) in force for certain purposes at 3.9.1997 by S.I. 1997/2085, **art. 2(1)**; s. 1 force at 6.10.1997 insofar as not already in force by S.I. 1997/2085, **art. 2**

[^{F3}1A Lump sum payments: regulation-making power

- (1) The Secretary of State may by regulations make provision about the recovery of the amount of a payment to which subsection (2) applies (a “lump sum payment”) where—
- (a) a compensation payment in consequence of a disease is made to or in respect of a person (“P”) to whom, or in respect of whom, a lump sum payment has been, or is likely to be, made, and
 - (b) the compensation payment is made in consequence of the same disease as the lump sum payment.
- (2) This subsection applies to—
- (a) a payment made in accordance with the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (“the 1979 Act”),
 - (b) a payment made in accordance with Part 4 of the Child Maintenance and Other Payments Act 2008,^{F4}...
 - (c) an extra-statutory payment (within the meaning given by subsection (5)(d) below) [^{F5}, and
 - (d) a payment under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014),
- (but this subsection does not apply to a payment within paragraph (d) in a case where the compensation payment is itself such a payment.)]
- (3) Regulations under this section may, in particular—
- (a) make provision about the recovery of the amount of a lump sum payment made to or in respect of a dependant of P;
 - (b) make provision enabling the recovery of the amount of a lump sum payment from a compensation payment (including provision enabling the recovery of an amount which reduces the compensation payment to nil);
 - (c) enable the amount of a lump sum payment made before commencement to be recovered from a compensation payment made after commencement;
 - (d) make provision about certificates in respect of lump sum payments;
 - (e) apply any provision of this Act, with or without modifications.
- (4) References in subsection (1) to a payment made in consequence of a disease—

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- (a) are references to a payment made [^{F6}as specified in section 1(2)(a) or (c)] in respect of the disease, but
 - (b) do not include references to a payment mentioned in Part 1 of Schedule 1.
- (5) In this section—
- (a) “commencement” means the date on which this section comes into force,
 - (b) “compensation payment” means a payment within section 1(1)(a) above,
 - (c) “dependant” has the meaning given by section 3 of the 1979 Act, and
 - (d) “extra-statutory payment” means a payment made by the Secretary of State to or in respect of a person following the rejection by the Secretary of State of a claim under the 1979 Act.]

Textual Amendments

- F3** S. 1A inserted (10.6.2008 for specified purposes, 1.10.2008 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), **ss. 54, 62(3)**; S.I. 2008/1476, art. 3(1)(b)(2)(a)
- F4** Word in s. 1A(2)(b) omitted (31.3.2014) by virtue of [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(2)(a)**; S.I. 2014/459, art. 3(c)
- F5** S. 1A(2)(d) and words inserted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(2)(b)**; S.I. 2014/459, art. 3(c)
- F6** Words in s. 1A(4)(a) substituted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 17(3)**; S.I. 2014/459, art. 3(c)

2 Compensation payments to which this Act applies.

This Act applies in relation to compensation payments made on or after the day on which this section comes into force, unless they are made in pursuance of a court order or agreement made before that day.

3 “The relevant period”.

- (1) In relation to a person (“the claimant”) who has suffered any accident, injury or disease, “the relevant period” has the meaning given by the following subsections.
- (2) Subject to subsection (4), if it is a case of accident or injury, the relevant period is the period of five years immediately following the day on which the accident or injury in question occurred.
- (3) Subject to subsection (4), if it is a case of disease, the relevant period is the period of five years beginning with the date on which the claimant first claims a listed benefit in consequence of the disease.
- (4) If at any time before the end of the period referred to in subsection (2) or (3)—
 - (a) a person makes a compensation payment in final discharge of any claim made by or in respect of the claimant and arising out of the accident, injury or disease, or
 - (b) an agreement is made under which an earlier compensation payment is treated as having been made in final discharge of any such claim,the relevant period ends at that time.

Changes to legislation:

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