

Status: Point in time view as at 06/10/1997.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

COMPENSATION PAYMENTS

PART I

EXEMPTED PAYMENTS

- 1 Any small payment (defined in Part II of this Schedule).
- 2 Any payment made to or for the injured person under section 35 of the ^{M1}Powers of Criminal Courts Act 1973 or section 249 of the ^{M2}Criminal Procedure (Scotland) Act 1995 (compensation orders against convicted persons).

Marginal Citations

M1 1973 c. 62.

M2 1995 c. 43.

- 3 Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent. by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—
 - (a) the accident, injury or disease suffered by the injured person, or
 - (b) the same or any connected accident, injury or disease suffered by another.
- 4 Any payment made out of property held for the purposes of any prescribed trust (whether the payment also falls within paragraph 3 or not).
- 5 Any payment made to the injured person by an insurance company within the meaning of the ^{M3}Insurance Companies Act 1982 under the terms of any contract of insurance entered into between the injured person and the company before—
 - (a) the date on which the injured person first claims a listed benefit in consequence of the disease in question, or
 - (b) the occurrence of the accident or injury in question.

Marginal Citations

M3 1982 c. 50.

- 6 Any redundancy payment falling to be taken into account in the assessment of damages in respect of an accident, injury or disease.

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- 7 So much of any payment as is referable to costs.
8 Any prescribed payment.

PART II

POWER TO DISREGARD SMALL PAYMENTS

- 9 (1) Regulations may make provision for compensation payments to be disregarded for the purposes of sections 6 and 8 in prescribed cases where the amount of the compensation payment, or the aggregate amount of two or more connected compensation payments, does not exceed the prescribed sum.
- (2) A compensation payment disregarded by virtue of this paragraph is referred to in paragraph 1 as a “small payment”.
- (3) For the purposes of this paragraph—
- (a) two or more compensation payments are “connected” if each is made to or in respect of the same injured person and in respect of the same accident, injury or disease, and
 - (b) any reference to a compensation payment is a reference to a payment which would be such a payment apart from paragraph 1.

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