

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

SCHEDULES

SCHEDULE 1

COMPENSATION PAYMENTS

Modifications etc. (not altering text)

- C1** Sch. 1 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)

^{F1}PART I

EXEMPTED PAYMENTS

Textual Amendments

- F1** Words in Sch. 1 Pt. I inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 140**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

- 1 Any small payment (defined in Part II of this Schedule).
- 2 Any payment made to or for the injured person under [^{F2}section 130 of the Powers of Criminal Courts (Sentencing) Act][^{F3}2000, [^{F4}or Chapter 2 of Part 7 of the Sentencing Code,] section 8 of the Modern Slavery Act 2015,][^{F5}section 175 of the Armed Forces Act 2006] or section 249 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (compensation orders against convicted persons).

Textual Amendments

- F2** Words in Sch. 1 para. 2 substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), **Sch. 9 para. 181**
- F3** Words in Sch. 1 para. 2 substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 13**; S.I. 2015/1476, reg. 2(j)
- F4** Words in [Sch. 1 para. 2](#) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 143** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** Words in Sch. 1 para. 2 inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 140**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations

- M1** [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

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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 ^{F6}(1) Any payment made to the injured person by an ^{F7}insurer under the terms of any contract of insurance entered into between the injured person and ^{F8}the insurer 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.

^{F9}(2) “Insurer” means—

- (a) a person who has permission under ^{F10}Part 4A of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or

^{F11}(b)

(3) Sub-paragraph (2) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

Textual Amendments

- F6** Sch. 1 para. 5 re-numbered as Sch. 1 para. 5(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 358(2)
- F7** Word in Sch. 1 para. 5(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(3)(a)
- F8** Word in Sch. 1 para. 5(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(3)(b)
- F9** Sch. 1 para. 5(2)(3) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(4)
- F10** Words in Sch. 1 para. 5(2)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 18 para. 84 (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F11** Sch. 1 para. 5(2)(b) omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), Sch. para. 34 (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)

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

7 So much of any payment as is referable to costs.

8 Any prescribed payment.

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