



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

Introductory

[^{F1}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, ^{F2}...
 - (c) an extra-statutory payment (within the meaning given by subsection (5)(d) below) [^{F3}, 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);

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

- (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—
- (a) are references to a payment made [^{F4}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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)

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