
STATUTORY INSTRUMENTS

2008 No. 1596

**The Social Security (Recovery of Benefits)
(Lump Sum Payments) Regulations 2008**

PART 3

Liability of person paying compensation

Liability to pay Secretary of State amount of lump sum payments

10.—(1) A person who makes a compensation payment in any case is liable to pay the Secretary of State an amount equal to the total amount of—

- (a) in a case to which paragraph (2) applies, the recoverable lump sum payments; or
- (b) in a case to which paragraph (3) applies, the compensation payment.

(2) Paragraph (1)(a) applies to a case where—

- (a) the compensation payment is equal to, or more than, any recoverable lump sum payments; or
- (b) a dependant is a beneficiary of part of a compensation payment made in respect of P, that part of the compensation payment is equal to, or more than, any recoverable lump sum payments which have been made to that dependant.

(3) Paragraph 1(b) applies to a case where—

- (a) the compensation payment; or
- (b) a dependant is a beneficiary of part of a compensation payment made in respect of P, and recoverable lump sum payments have been made to that dependant, the share of the compensation payment,

[^{F1}is less than the recoverable lump sum payments].

(4) The liability referred to in paragraph (1) arises—

- (a) immediately before the compensation payment or, if there is more than one, the first of them is made;
- (b) prior to any liability to pay the Secretary of State an amount equal to the total amount of the recoverable benefits payable under section 6 of the Act.

[^{F2}(4A) In any case where recoverable lump sum payments include one or more lump sum payments to which section 1A(2)(d) of the Act applies, the liability referred to in paragraph (1) in respect of those lump sum payments arises prior to any such liability in respect of any other recoverable lump sum payment.]

(5) No amount becomes payable under this regulation before the end of the period of 14 days following the day on which the liability arises.

(6) Subject to paragraph (4), an amount becomes payable under this regulation at the end of the period of 14 days beginning with the day on which a certificate is first issued showing that the amount of recoverable lump sum payment to which it relates has been or is likely to have been paid.

(7) [^{F3}Subject to paragraph (8),] in the case of a lump sum payment which has been made to a dependant of P, this regulation applies only to the extent to which the compensator is making any payment—

- (a) (i) under the Fatal Accidents Act 1976 ^{M1};
 - (ii) to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976 ^{M2}; or
 - (iii) under the Fatal Accidents (Northern Ireland) Order 1977 ^{M3},
- to that dependant; or
- (b) in respect of P, and that dependant is an intended beneficiary of part or all of that payment.

[^{F4}(8) In the case of a lump sum payment to which section 1A(2)(d) of the Act applies which has been made to one or more dependants of P, this regulation also applies to the extent that the compensator is making any of the payments listed in—

- (a) paragraph (7)(a), where such a payment is made to another dependant of P who has ceased to be eligible for a lump sum payment to which section 1A(2)(d) of the Act applies by virtue of having given notice under section 3(3) of the 2014 Act;
- (b) paragraph (7)(b), where such a dependant is an intended beneficiary of that payment.]

Textual Amendments

- F1** Words in [reg. 10\(3\)](#) substituted (1.7.2014) by [The Social Security \(Recovery of Benefits\) \(Lump Sum Payments\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1456), [reg. 1\(2\)](#), [Sch. para. 8\(2\)](#)
- F2** [Reg. 10\(4A\)](#) inserted (1.7.2014) by [The Social Security \(Recovery of Benefits\) \(Lump Sum Payments\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1456), [reg. 1\(2\)](#), [Sch. para. 8\(3\)](#)
- F3** Words in [reg. 10\(7\)](#) inserted (1.7.2014) by [The Social Security \(Recovery of Benefits\) \(Lump Sum Payments\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1456), [reg. 1\(2\)](#), [Sch. para. 8\(4\)](#)
- F4** [Reg. 10\(8\)](#) inserted (1.7.2014) by [The Social Security \(Recovery of Benefits\) \(Lump Sum Payments\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1456), [reg. 1\(2\)](#), [Sch. para. 8\(5\)](#)

Marginal Citations

- M1** 1976 c. 30.
- M2** 1976 c. 13. Section 1 was amended by the [Administration of Justice Act 1982](#) (c. 53), [section 14\(1\)](#), the [International Transport Conventions Act 1983](#) (c. 14), [section 3\(6\)](#) and paragraph 2 of Schedule 1 and the [Damages \(Scotland\) Act 1993](#) (c. 5), [section 1](#).
- M3** S.I. 1977/1251 (N.I. 18).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, Section 10.