

## SCHEDULE 1

Regulation 2(1)

### Modification of certain provisions of the Act

1. This Schedule applies to any case to which regulation 4 [<sup>F1</sup>or 4A] applies.

**F1** Words in Sch. 1 para. 1 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. 16(2)

2. Where this Schedule applies, section 1 (cases in which this Act applies) is to apply as if in subsection (3), for “Subsection (1)(a)” there were substituted “ Section 1A(1)(a) ”.

3. Where this Schedule applies, section 10 (review of certificates of recoverable benefits) <sup>M1</sup> is to apply as if in—

- (a) the heading and in subsection (1), there were omitted “of recoverable benefits” in each place it occurs;
- (b) subsection (3), for “benefits” there were substituted “ lump sum payments, except where that certificate has been reviewed under regulation 9ZA(1)(e) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (review of certificates), ”.

#### Marginal Citations

**M1** Section 10 was amended by the Social Security Act 1998 (c. 14), section 86(1) and paragraph 149 of Schedule 7.

4. Where this Schedule applies, section 11 (appeals against certificates of recoverable benefits) <sup>M2</sup> is to apply as if in—

- (a) the heading and in subsections (1) and (2)(a), there were omitted “of recoverable benefits” in each place it occurs;
- (b) subsection (1)(a), there were omitted “, rate or period”;
- (c) subsection (1)(b)—
  - (i) for “listed benefits” there were substituted “[<sup>F2</sup>recoverable lump sum payments]”;
  - (ii) there were omitted “accident, injury or”;
- (d) subsection (1)(c)—
  - (i) for “listed benefits” there were substituted “[<sup>F3</sup>recoverable lump sum payments]”;
  - (ii) for “the injured person during the relevant period” there were substituted “ P ”;
- (e) subsection (1)(d), for “1(1)(a)” there were substituted “ 1A(1)(a) ”;
- (f) subsection (2)(aa) for “section 7(2)(a)” there were substituted “ regulation 11(2)(a) of the Lump Sum Payments Regulations ”;
- (g) subsection (2)(b), for “section 8 [<sup>F4</sup>or 8A] (the injured person” there were substituted “regulation 12 [<sup>F4</sup>or 12A] of the Lump Sum Payments Regulations) P”;
- (h) subsection (3), for “section 6” there were substituted “regulation 10 of the Lump Sum Payments Regulations”.

**F2** Words in Sch. 1 para. 4(c)(i) 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. 16(3)(a)

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, SCHEDULE 1. (See end of Document for details)

- F3** Words in Sch. 1 para. 4(d)(i) 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. 16(3)(a)**
- F4** Words in Sch. 1 para. 4(g) 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. 16(3)(b)**

**Marginal Citations**

- M2** Section 11 was amended by the Social Security Act 1998, section 86(1) and paragraph 150 of Schedule 7 and by the **Constitutional Reform Act 2005 (c. 4), section 59(5)** and paragraph 1(2) of Schedule 11 and subsection (6) of section 11 was repealed by the Social Security Act 1998, Schedule 8.

**5.** Where this Schedule applies, section 12 (reference of questions to [<sup>F5</sup>First-tier Tribunal])<sup>M3</sup> is to apply as if in—

- <sup>F6</sup>(a) . . . . .
- (b) subsection (3), there were omitted “accident, injury or”;
- (c) subsection (4)(a), for “amounts, rates and periods” there were substituted “ amount, type and date of payments ”;
- (d) subsections (4)(a) and (c), there were omitted “of recoverable benefits” in each place it occurs.

- F5** Words in Sch. 1 para. 5 substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 344(a)(i)**
- F6** Sch. 1 para. 5(a) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 344(a)(ii)**

**Marginal Citations**

- M3** Section 12 was amended by the Social Security Act 1998, section 86(1) and paragraph 151 of Schedule 7 and subsections (6) to (8) of section 12 were repealed by the Social Security Act 1998, Schedule 8.

[<sup>F7</sup>6. Where this Schedule applies, section 13 (appeal to [<sup>F8</sup>Upper Tribunal]) is to apply [<sup>F9</sup>as if in subsection (2)—

- (a) in paragraph (b), there were omitted “of recoverable benefits”;
- (b) in paragraph (bb), for “section 7(2)(a)” there were substituted “regulation 11(2)(a) of the Lump Sum Payments Regulations”;
- (c) in paragraph (c), for “section 8 or 8A) the injured person” there were substituted “regulation 12 or 12A of the Lump Sum Payments Regulations) P.]]

- F7** Sch. 1 para. 6 substituted (1.10.2008) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2008 (S.I. 2008/2365), regs. 1, **6(3)**
- F8** Words in Sch. 1 para. 6 substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 344(b)**
- F9** Words in Sch. 1 para. 6 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. 16(4)**

**7.** Where this Schedule applies, section 14 (reviews and appeals: supplementary) is to apply as if in—

- (a) subsection (1), there were omitted “of recoverable benefits”;
- (b) subsections (2) and (3), for “section 6” there were substituted “ regulation 10 of the Lump Sum Payments Regulations ” in each place it occurs;

- (c) subsection (4), for “section 8 [<sup>F10</sup>or 8A]” there were substituted “regulation 12 [<sup>F10</sup>or 12A] of the Lump Sum Payments Regulations”.

**F10** Words in Sch. 1 para. 7(c) 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. 16(5)

**8.** Where this Schedule applies, for section 15 (court orders) is to apply as if there were substituted—

(1) This section applies where a court makes an order for a compensation payment to be made in a case where a compensation payment is to be made to a dependant of P—

- (a) under the Fatal Accidents Act 1976 (c. 30);
- (b) to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976 (c. 13);
- (c) under the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)); or
- (d) in respect of P, where that dependant is an intended beneficiary of part or all of that compensation,

and a lump sum payment has been made to that dependant, unless the order is made with the consent of that dependant and the person by whom the payment is to be made.

(2) The court must specify in the order the amount of the payment made—

- (a) under the Fatal Accidents Act 1976;
- (b) to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976;
- (c) under the Fatal Accidents (Northern Ireland) Order 1977; or
- (d) in respect of P, where a dependant of P is an intended beneficiary of part or all of that compensation,

which is attributable to each or any dependant of P who has received a lump sum payment.”.

**9.** Where this Schedule applies, section 17 (benefits irrelevant to assessment of damages) is to apply as if—

- (a) in the heading for “benefits” there were substituted “ lump sum payments ”;
- (b) there were omitted “accident, injury or”;
- (c) for “listed benefits” there were substituted “ lump sum payments ”.

**10.** Where this Schedule applies, section 18 (lump sum and periodical payments) is to apply as if—

- (a) in subsection (1)—
  - (i) for “the injured person” there were substituted “ P ”;
  - (ii) there were omitted “accident, injury or”;
- (b) in subsection (2), for “section 8” there were substituted “ regulation 12 of the Lump Sum Payments Regulations ”;
- (c) for subsection (3) there were substituted—

“(3) For the purposes of subsection (2), the regulations may provide for—

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, SCHEDULE 1. (See end of Document for details)

- (a) the gross amounts of the compensation payments to be aggregated and for the aggregate amount to be the gross amount of the compensation payment for the purposes of regulation 12 of the Lump Sum Payments Regulations; and
  - (b) for the amount of any lump sum payment to be taken to be the amount determined in accordance with the most recent certificate.”;
  - (d) in subsection (4), for “the injured person's” there were substituted “P's”;
  - (e) in subsection (5), there were omitted paragraph (a).
- 11.** Where this Schedule applies, section 19 (payments by more than one person) is to apply as if in—
- (a) subsection (1)—
    - (i) for “injured person” there were substituted “ P ”;
    - (ii) there were omitted “accident, injury or”;
  - (b) subsection (2)—
    - (i) for “section 6” there were substituted “ regulation 10 of the Lump Sum Payments Regulations ”;
    - (ii) for “benefits” there were substituted “ lump sum payments ”;
  - (c) subsection (3)—
    - (i) in paragraph (a), for “benefits” there were substituted “lump sum payments”;
    - (ii) in paragraph (b), for “section 8 [F11 or 8A]” there were substituted “ regulation 12 [F11 or 12A] of the Lump Sum Payments Regulations”.

**F11** Words in Sch. 1 para. 11(c)(ii) 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. 16(6)**

- 12.** Where this Schedule applies, section 20 (amounts overpaid under section 6) is to apply as if in—
- (a) the heading and in subsection (1), for “section 6” there were substituted “ regulation 10 of Lump Sum Payments Regulations” in each place it occurs;
  - (b) subsection (4)(a), for “section 8 [F12 or 8A]” there were substituted “ regulation 12 [F12 or 12A] of the Lump Sum Payments Regulations”.

**F12** Words in Sch. 1 para. 12(b) 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. 16(7)**

- 13.** Where this Schedule applies, section 21 (compensation payments to be disregarded) is to apply as if in—
- (a) subsections (1) and (5)(a), for “sections 6 and 8 [F13 or 8A]” there were substituted “ regulations 10 and 12 [F13 or 12A] of the Lump Sum Payments Regulations ” in each place it occurs;
  - (b) subsection (2)(a), there were omitted “of recoverable benefits”;
  - (c) subsection (3)(a)—
    - (i) for “the injured person” there were substituted “ P ”;
    - (ii) there were omitted “accident, injury or”;

**Changes to legislation:** There are currently no known outstanding effects for the *The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, SCHEDULE 1.* (See end of Document for details)

- (d) subsection (4), for “section 4” there were substituted “ regulation 8 of the Lump Sum Payments Regulations ”;
- (e) subsection (5)(b), for “section 6” there were substituted “ regulation 10 of the Lump Sum Payments Regulations ”.

**F13** Words in Sch. 1 para. 13(a) 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. 16(8)**

14. Where this Schedule applies, section 22(1) (liability of insurers) is to apply as if—
- (a) in paragraph (a), there were omitted “accident, injury or”;
  - (b) for “section 6” there were substituted “ regulation 10 of the Lump Sum Payments Regulations ”.

15. Where this Schedule applies, section 23 (provision of information) is to apply as if—

- (a) in subsection (1), for—
  - (i) “any accident, injury or” there were substituted “ a ”;
  - (ii) “any person (“the injured person”)” there were substituted “ P ”;
  - (iii) “the injured person” there were substituted “ P ”;
- (b) in subsection (1)(a), there were omitted “accident, injury or”;

[<sup>F14</sup>(ba) after subsection (1)(b) there were inserted—

“,and

(c) where the compensation which is sought is a payment under the Diffuse Mesothelioma Payment Scheme, subsection (6A) applies.”;]

- (c) for subsection (2), there were substituted—

“(2) Where P or a dependant of P, receives or claims a lump sum payment which is or is likely to be paid in respect of the disease suffered by P,

[<sup>F15</sup>(a) the prescribed information about the disease must be given to the Secretary of State by P or a dependant of P, as the case may be;]

[<sup>F16</sup>(b) the prescribed information about any lump sum payment which falls within section 1A(2)(d) must be given to the Secretary of State by the scheme administrator.”];

- (d) in subsection (3), for “listed benefit” there were substituted “ lump sum payment ”;
- (e) in subsection (4)—
  - (i) for “any accident, injury or” there were substituted “ a ”;
  - (ii) there were omitted “, or any damage to property,”;
- (f) there were omitted subsections (5), (6) and (8).

**F14** Sch. 1 para. 15(ba) 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. 16(9)(a)**

**F15** Words in Sch. 1 para. 15(c) in the sub-para. (2) renumbered (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. 16(9)(b)(i)**

**F16** Words in Sch. 1 para. 15(c) 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. 16(9)(b)(ii)**

**Changes to legislation:** There are currently no known outstanding effects for the *The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, SCHEDULE 1.* (See end of Document for details)

**16.** Where this Schedule applies, section 26 (residence of the injured person – Northern Ireland) is to apply as if—

- (a) in subsections (1)(a) and (b)(i), (2)(a), (b) and (c) and (3)(d)(ii), there were omitted “of recoverable benefits” in each place it occurs;
- (b) in subsections (1)(c)(ii) and (2)(c)(i), for “section 6” there were substituted “ regulation 10 of the Lump Sum Payments Regulations ”;
- (c) in subsections (1) and (2), for “injured person's address” there were substituted “ address of P ”;
- (d) for subsection (3)(a), there were substituted—
  - “(a) “the address of P” is the address first notified in writing to the person making the payment by or on behalf of P as the residence of P (or if P had died, by or on behalf of the person entitled to receive the compensation payment as the last residence of P);”;
- (e) in subsection (3)(d)(i) and the heading to this section, for “the injured person” there were substituted “ P ” in each place it occurs.

**17.** Where this Schedule applies, section 27 (jurisdiction of courts – Northern Ireland) is to apply as if in—

- (a) subsections (1) and (2), for “section 7” there were substituted “ regulation 11 of the Lump Sum Payments Regulations ” in each place it occurs;
- (b) subsection (3)(a)(i), for—
  - (i) “the injured person” the first time it occurs, there were substituted “ P ”;
  - (ii) “the injured person or, if he” there were substituted “ P or, if P ”.

**18.** Where this Schedule applies, section 29 (general interpretation) <sup>M4</sup> is to apply as if—

- (a) there were omitted the following definitions—
  - (i) “benefit”;
  - (ii) “compensation scheme for motor accidents”;
  - (iii) “listed benefit”;
- (b) in the appropriate place, there were inserted the following definitions—
  - (i) “certificate” means a certificate which includes amounts in respect of recoverable benefits and of recoverable lump sum payments, including where any of those amounts are nil;
  - (ii) “P” is to be construed in accordance with regulation 5 of the Lump Sum Payments Regulations;
  - (iii) “recoverable lump sum payments” means any lump sum payments which are recoverable by virtue of regulation 4 [<sup>F17</sup>or 4A] of the Lump Sum Payments Regulations;
  - (iv) “the Lump Sum Payments Regulations” means the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008.

**F17** Words in Sch. 1 para. 18(b)(iii) 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. 16\(10\)](#)

#### Marginal Citations

**M4** Section 29 was amended by the Social Security Act 1998, section 86(1) and paragraph 153 of Schedule 7.

**19.** Where this Schedule applies, Part 1 of Schedule 1 (compensation payments – exempted payments)<sup>M5</sup> is to apply as if—

- (a) in paragraph 2 and 3(a), for “the injured person” there were substituted “ P ” in each place it occurs;
- (b) in paragraph 3(a) and (b) there were omitted “accident, injury or” in each place it occurs;
- (c) for paragraph 5(1) there were substituted—

“(1) Any payment made to P or a dependant of P by an insurer under the terms of any contract of insurance entered into between P and the insurer before the date on which P or a dependant of P first claims a lump sum payment in consequence of the disease in question suffered by P.”;

- (d) in paragraph 6 for “an accident, injury or” there were substituted “ a ”.

**Marginal Citations**

**M5** Part 1 of Schedule 1 was amended by the [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\), section 165](#) and paragraph 181 of Schedule 9 and [S.I. 2001/3649, article 358](#).

**20.** Where this Schedule applies, paragraph 9 of Part 2 of Schedule 1 (compensation payments – power to disregard small payments) is to apply as if in—

- (a) sub-paragraph (1), for “sections 6 and 8” there were substituted “ regulations 10 and 12 of the Lump Sum Payments Regulations ”;
- (b) sub-paragraph (3)(a)—
  - (i) for “injured person” there were substituted “ P ”;
  - (ii) there were omitted “accident, injury or”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, SCHEDULE 1.