



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

General

28 The Crown.

This Act applies to the Crown.

Modifications etc. (not altering text)

- C1** Ss. 28-31 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)

29 General interpretation.

In this Act—

^{F1}
...

“benefit” means [^{F2}universal credit] any benefit under the ^{M1}Social Security Contributions and Benefits Act 1992, a jobseeker’s allowance^{F3}, an employment and support allowance^{F4}, personal independence payment]] or mobility allowance,

^{F1}
...

“compensation scheme for motor accidents” means any scheme or arrangement under which funds are available for the payment of compensation in respect of motor accidents caused, or alleged to have been caused, by uninsured or unidentified persons,

“listed benefit” means a benefit listed in column 2 of Schedule 2,

“payment” means payment in money or money’s worth, and related expressions are to be interpreted accordingly,

“prescribed” means prescribed by regulations, and

“regulations” means regulations made by the Secretary of State.

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

[^{F5}“scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.]

Textual Amendments

- F1** Words in s. 29 omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 142**
- F2** Words in s. 29 inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 41**; S.I. 2013/983, art. 3(1)(b)(i)
- F3** Words in s. 29 inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **50(2)**
- F4** Words in s. 29 inserted (8.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 35**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3
- F5** Words in s. 29 inserted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 7**; S.I. 2014/459, art. 3(c)

Modifications etc. (not altering text)

- C1** Ss. 28-31 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)

Marginal Citations

- M1** 1992 c. 4.

30 Regulations and orders.

- (1) Any power under this Act to make regulations or an order is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations or an order under this Act (other than regulations under section [^{F6}11(2A) or] 24 or an order under section 34) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F7}(2A) A statutory instrument containing regulations under section 11(2A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]
- (3) Regulations under section 20, under section 24 amending the list of benefits in column 2 of Schedule 2 or under paragraph 9 of Schedule 1 may not be made without the consent of the Treasury.
- (4) Subsections (4), (5), (6) and (9) of section 189 of the ^{M2}Social Security Administration Act 1992 (regulations and orders—general) apply for the purposes of this Act as they apply for the purposes of that.

Textual Amendments

- F6** Words in s. 30(2) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 11 para. 11(2)**; S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8
- F7** S. 30(2A) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 11 para. 11(3)**; S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8

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

Modifications etc. (not altering text)

- C1** Ss. 28-31 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)

Marginal Citations

- M2** 1992 c. 5.

31 Financial arrangements.

- (1) There are to be paid out of the National Insurance Fund any expenses of the Secretary of State in making payments under section 14 or 20 to the extent that he estimates that those payments relate to sums paid out of that Fund.
- (2) There are to be paid out of money provided by Parliament—
 - (a) any expenses of the Secretary of State in making payments under section 14 or 20 to the extent that he estimates that those payments relate to sums paid out of the Consolidated Fund, and
 - (b) (subject to subsection (1)) any other expenses of the Secretary of State incurred in consequence of this Act.
- (3) Any sums paid to the Secretary of State under section 6 or 14 are to be paid—
 - (a) into the Consolidated Fund, to the extent that the Secretary of State estimates that the sums relate to payments out of money provided by Parliament, and
 - (b) into the National Insurance Fund, to the extent that he estimates that they relate to payments out of that Fund.

Modifications etc. (not altering text)

- C1** Ss. 28-31 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)

32 Power to make transitional, consequential etc. provisions.

- (1) Regulations may make such transitional and consequential provisions, and such savings, as the Secretary of State considers necessary or expedient in preparation for, in connection with, or in consequence of—
 - (a) the coming into force of any provision of this Act, or
 - (b) the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may (among other things) provide—
 - (a) for compensation payments in relation to which, by virtue of section 2, this Act does not apply to be treated as payments in relation to which this Act applies,
 - (b) for compensation payments in relation to which, by virtue of section 2, this Act applies to be treated as payments in relation to which this Act does not apply, and
 - (c) for the modification of any enactment contained in this Act or referred to in subsection (1)(b) in its application to any compensation payment.

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33 Consequential amendments and repeals.

- (1) Schedule 3 (which makes consequential amendments) is to have effect.
- (2) The enactments shown in Schedule 4 are repealed to the extent specified in the third column.

Modifications etc. (not altering text)

- C2** S. 33 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)

34 Short title, commencement and extent.

- (1) This Act may be cited as the Social Security (Recovery of Benefits) Act 1997.
- (2) Sections 1 to 24, 26 to 28 and 33 are to come into force on such day as the Secretary of State may by order appoint, and different days may be appointed for different purposes.
- (3) Apart from sections 25 to 27, section 33 so far as it relates to any enactment which extends to Northern Ireland, and this section this Act does not extend to Northern Ireland.

Subordinate Legislation Made

- P1** S. 34(2) power fully exercised (1.9.1997): different dates appointed for specified provisions by [S.I. 1997/2085](#)

Modifications etc. (not altering text)

- C3** S. 34(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)
- C4** S. 34(3) 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)

Changes to legislation:

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