

SCHEDULES

SCHEDULE 1

RECOVERY OF BENEFITS ETC FROM PAYMENTS AND RECOVERY OF PAYMENTS

PART 1

RECOVERY OF BENEFITS ETC FROM SCHEME PAYMENTS

Recovery of benefits etc from scheme payments: England and Wales and Scotland

- 1 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.
- 2 In section 1(2)—
 - (a) omit the word “or” at the end of paragraph (a);
 - (b) at the end of paragraph (b) insert “, or
 - (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);”.
- 3 After section 8 insert—

“8A Reduction of payment under Diffuse Mesothelioma Payment Scheme

- (1) This section applies instead of section 8 in a case where the compensation payment is a payment under the Diffuse Mesothelioma Payment Scheme.
- (2) The gross amount of the compensation payment—
 - (a) is to be reduced by the amount of the recoverable benefit, and
 - (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.
- (3) Any claim of a person to receive the compensation payment is to be treated for all purposes as discharged if—
 - (a) the person is paid the gross amount of the compensation payment less the amount of the recoverable benefit, or
 - (b) the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment and the person is given a statement by the scheme administrator saying that the compensation payment has been reduced to nil.”
- 4 In section 10 after subsection (3) insert—

“(4) The scheme administrator of the Diffuse Mesothelioma Payment Scheme may not apply for a review under this section.”
- 5 In section 11(2) after paragraph (b) insert—

Status: This is the original version (as it was originally enacted).

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.”

6 In section 13(2) after paragraph (c) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.”

7 In section 29 at the end insert—

““scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.”

8 In the following provisions after “section 8” insert “or 8A”—

section 9(1), (2), (3)(a) and (4)(a);
 section 11(2)(b);
 section 13(2)(c);
 section 14(4)(a);
 section 19(3)(b);
 section 20(4)(a);
 section 21(1) and (5)(a).

Recovery of benefits etc from scheme payments: Northern Ireland

9 The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 ([S.I. 1997/1183 \(N.I. 12\)](#)) is amended as follows.

10 In Article 2(2) at the appropriate place insert—

““scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.”

11 In Article 3(2)—

- (a) omit the word “or” at the end of sub-paragraph (a);
- (b) at the end of sub-paragraph (b) insert “, or
- (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);”.

12 After Article 10 insert—

“10A Reduction of payment under Diffuse Mesothelioma Payment Scheme

- (1) This Article applies instead of Article 10 in a case where the compensation payment is a payment under the Diffuse Mesothelioma Payment Scheme.
- (2) The gross amount of the compensation payment—
 - (a) is to be reduced by the amount of the recoverable benefit, and
 - (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.
- (3) Any claim of a person to receive the compensation payment is to be treated for all purposes as discharged if—

- (a) the person is paid the gross amount of the compensation payment less the amount of the recoverable benefit, or
- (b) the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment and the person is given a statement by the scheme administrator saying that the compensation payment has been reduced to nil.”

13 In Article 12 after paragraph (3) insert—

“(4) The scheme administrator of the Diffuse Mesothelioma Payment Scheme may not apply for a review under this Article.”

14 In Article 13(2) after sub-paragraph (b) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.”

15 In Article 15(2) after sub-paragraph (c) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.”

16 In the following provisions after “Article 10” insert “or 10A”—

Article 11(1), (2), (3)(a) and (4)(a);
Article 13(2)(b);
Article 15(2)(c);
Article 16(4)(a);
Article 21(3)(b);
Article 22(4)(a);
Article 23(1) and (5)(a).