



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

Reduction of compensation: complex cases

18 Lump sum and periodical payments.

- (1) Regulations may make provision (including provision modifying this Act) for any case in which two or more compensation payments in the form of lump sums are made by the same person to or in respect of the injured person in consequence of the same accident, injury or disease.
- (2) The regulations may (among other things) provide—
 - (a) for the re-calculation in accordance with section 8 of the amount of any compensation payment,
 - (b) for giving credit for amounts already paid, and
 - (c) for the payment by any person of any balance or the recovery from any person of any excess.
- (3) For the purposes of subsection (2), the regulations may provide for the gross amounts of the compensation payments to be aggregated and for—
 - (a) the aggregate amount to be taken to be the gross amount of the compensation payment for the purposes of section 8,
 - (b) so much of the aggregate amount as is attributable to a head of compensation listed in column 1 of Schedule 2 to be taken to be the part of the gross amount which is attributable to that head;and for the amount of any recoverable benefit shown against any head in column 2 of that Schedule to be taken to be the amount determined in accordance with the most recent certificate of recoverable benefits.
- (4) Regulations may make provision (including provision modifying this Act) for any case in which, in final settlement of the injured person's claim, an agreement is entered into for the making of—

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

- (a) periodical compensation payments (whether of an income or capital nature), or
 - (b) periodical compensation payments and lump sum compensation payments.
- (5) Regulations made by virtue of subsection (4) may (among other things) provide—
- (a) for the relevant period to be treated as ending at a prescribed time,
 - (b) for the person who is to make the payments under the agreement to be treated for the purposes of this Act as if he had made a single compensation payment on a prescribed date.
- (6) A periodical payment may be a compensation payment for the purposes of this section even though it is a small payment (as defined in Part II of Schedule 1).

Modifications etc. (not altering text)

- C1** Ss. 18 19 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)

Commencement Information

- II** S. 18 wholly in force at 6.10.1997; s. 18 not in force at Royal Assent see s. 34(2); s. 18 in force for specified purposes at 3.9.1997 by [S.I. 1997/2085](#), [art 2\(1\)](#); s. 18 wholly in force at 6.10.1997 insofar as not already in force by [S.I. 1997/2085](#), [art. 2\(2\)](#)

19 Payments by more than one person.

- (1) Regulations may make provision (including provision modifying this Act) for any case in which two or more persons (“the compensators”) make compensation payments to or in respect of the same injured person in consequence of the same accident, injury or disease.
- (2) In such a case, the sum of the liabilities of the compensators under section 6 is not to exceed the total amount of the recoverable benefits, and the regulations may provide for determining the respective liabilities under that section of each of the compensators.
- (3) The regulations may (among other things) provide in the case of each compensator—
- (a) for determining or re-determining the part of the recoverable benefits which may be taken into account in his case,
 - (b) for calculating or re-calculating in accordance with section 8 ^{[F1}or 8A] the amount of any compensation payment,
 - (c) for giving credit for amounts already paid, and
 - (d) for the payment by any person of any balance or the recovery from any person of any excess.

Textual Amendments

- F1** Words in s. 19(3)(b) inserted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), [Sch. 1 para. 8](#); [S.I. 2014/459](#), [art. 3\(c\)](#)

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

Modifications etc. (not altering text)

- C1** Ss. 18 19 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)

Commencement Information

- I2** S. 19 wholly in force at 6.10.1997; s. 19 not in force at Royal Assent see s. 34(2); s. 19 in force for specified purposes at 3.9.1997 by S.I. 1997/2085, **art 2(1)**; s. 19 wholly in force at 6.10.1997 insofar as not already in force by S.I. 1997/2085, **art. 2(2)**

Changes to legislation:

There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, Cross Heading: Reduction of compensation: complex cases.