

Status: Point in time view as at 01/12/2001.

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

SCHEDULES

SCHEDULE 1

COMPENSATION PAYMENTS

PART I

EXEMPTED PAYMENTS

- 1 Any small payment (defined in Part II of this Schedule).
- 2 Any payment made to or for the injured person under [^{F1}section 130 of the Powers of Criminal Courts (Sentencing) Act 2000] or section 249 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (compensation orders against convicted persons).

Textual Amendments

F1 Words in [Sch. 1 para. 2](#) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\), Sch. 9 para. 181](#)

Marginal Citations

M1 [1995 c. 43.](#)

- 3 Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent. by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—
 - (a) the accident, injury or disease suffered by the injured person, or
 - (b) the same or any connected accident, injury or disease suffered by another.
 - 4 Any payment made out of property held for the purposes of any prescribed trust (whether the payment also falls within paragraph 3 or not).
 - 5 [^{F2}(1)] Any payment made to the injured person by an [^{F3}insurer] under the terms of any contract of insurance entered into between the injured person and [^{F4}the insurer] before—
 - (a) the date on which the injured person first claims a listed benefit in consequence of the disease in question, or
 - (b) the occurrence of the accident or injury in question.
- [^{F5}(2)] “Insurer” means—
 - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or
 - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.

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- (3) Sub-paragraph (2) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.]

Textual Amendments

- F2** Sch. 1 para. 5 re-numbered as Sch. 1 para. 5(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 358(2)
- F3** Word in Sch. 1 para. 5(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(3)(a)
- F4** Word in Sch. 1 para. 5(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(3)(b)
- F5** Sch. 1 para. 5(2)(3) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(4)

- 6 Any redundancy payment falling to be taken into account in the assessment of damages in respect of an accident, injury or disease.
- 7 So much of any payment as is referable to costs.
- 8 Any prescribed payment.

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