

Changes to legislation: Social Security (Recovery of Benefits) Act 1997 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1 **E+W+S**

Section 1.

COMPENSATION PAYMENTS

Modifications etc. (not altering text)

- C1** Sch. 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)

^{F1}PART I **E+W+S**

EXEMPTED PAYMENTS

Textual Amendments

- F1** Words in Sch. 1 Pt. I inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 140**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

- 1 Any small payment (defined in Part II of this Schedule).
- 2 Any payment made to or for the injured person under [^{F2}section 130 of the Powers of Criminal Courts (Sentencing) Act][^{F3}2000, [^{F4}or Chapter 2 of Part 7 of the Sentencing Code,] section 8 of the Modern Slavery Act 2015,][^{F5}section 175 of the Armed Forces Act 2006] or section 249 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (compensation orders against convicted persons).

Textual Amendments

- F2** Words in Sch. 1 para. 2 substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), **Sch. 9 para. 181**
- F3** Words in Sch. 1 para. 2 substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 13**; S.I. 2015/1476, reg. 2(j)
- F4** Words in [Sch. 1 para. 2](#) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 143** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** Words in Sch. 1 para. 2 inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 140**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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- 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

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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 ^{F6}(1) Any payment made to the injured person by an ^{F7}insurer under the terms of any contract of insurance entered into between the injured person and ^{F8}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.

^{F9}(2) “Insurer” means—

- (a) a person who has permission under ^{F10}Part 4A of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or

^{F11}(b)

(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

- F6** Sch. 1 para. 5 re-numbered as Sch. 1 para. 5(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 358(2)
- F7** Word in Sch. 1 para. 5(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(3)(a)
- F8** Word in Sch. 1 para. 5(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(3)(b)
- F9** Sch. 1 para. 5(2)(3) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 358(4)
- F10** Words in Sch. 1 para. 5(2)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 18 para. 84 (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F11** Sch. 1 para. 5(2)(b) omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), Sch. para. 34 (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)

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.

PART II E+W+S

POWER TO DISREGARD SMALL PAYMENTS

9 (1) Regulations may make provision for compensation payments to be disregarded for the purposes of sections 6 and 8 in prescribed cases where the amount of the compensation payment, or the aggregate amount of two or more connected compensation payments, does not exceed the prescribed sum.

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- (2) A compensation payment disregarded by virtue of this paragraph is referred to in paragraph 1 as a “small payment”.
- (3) For the purposes of this paragraph—
- (a) two or more compensation payments are “connected” if each is made to or in respect of the same injured person and in respect of the same accident, injury or disease, and
 - (b) any reference to a compensation payment is a reference to a payment which would be such a payment apart from paragraph 1.

F12F13 SCHEDULE 2 E+W+S

Section 8.

CALCULATION OF COMPENSATION PAYMENT

Textual Amendments

F12 Words in Sch. 2 inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 9 para. 36(a); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

F13 Words in Sch. 2 inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 9 para. 36(b); S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

(1)

Head of compensation

1. Compensation for earnings lost during the relevant period

(2)

Benefit

F14

[F15 Universal credit]. . .

Disablement pension payable under section 103 of the 1992 Act

[F16 Employment and support allowance]

Incapacity benefit

Income support

Invalidity pension and allowance

Jobseeker’s allowance

Reduced earnings allowance

Severe disablement allowance

Sickness benefit

Statutory sick pay

Unemployability supplement

Unemployment benefit

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2. Compensation for cost of care incurred during the relevant period	<p>Attendance allowance</p> <p>[^{F12}Daily living component of personal independence payment]</p> <p>Care component of disability living allowance</p> <p>Disablement pension increase payable under section 104 or 105 of the 1992 Act</p>
3. Compensation for loss of mobility during the relevant period	<p>Mobility allowance</p> <p>[^{F13}Mobility component of personal independence payment]</p> <p>Mobility component of disability living allowance</p>

Textual Amendments

- F14** Words in Sch. 2 column 2 repealed (5.10.1999) by [1999 c. 10, ss. 2, 19\(4\)](#), [Sch. 2 Pt. IV para. 18\(1\)\(a\)](#) (2), Sch. 6
- F15** Words in [Sch. 2](#) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 42](#); [S.I. 2013/983, art. 3\(1\)\(b\)\(i\)](#)
- F16** Sch. 2 entry inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), [50\(3\)](#)

^{F12F13} NOTES

- 1 (1) References to incapacity benefit, invalidity pension and allowance, severe disablement allowance, sickness benefit and unemployment benefit also include any income support paid with each of those benefits on the same instrument of payment or paid concurrently with each of those benefits by means of an instrument for benefit payment.
- (2) For the purpose of this Note, income support includes personal expenses addition, special transitional additions and transitional addition as defined in the ^{M2}Income Support (Transitional) Regulations 1987.

Marginal Citations

M2 [S.I. 1987/1969](#).

- 2 Any reference to statutory sick pay—
- (a) includes only 80 per cent. of payments made between 6th April 1991 and 5th April 1994, and
- (b) does not include payments made on or after 6th April 1994.
- 3 In this Schedule “the 1992 Act” means the ^{M3}Social Security Contributions and Benefits Act 1992.

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Marginal Citations

M3 1992 c. 4.

SCHEDULE 3 **E+W+S**

Section 33(1).

CONSEQUENTIAL AMENDMENTS

Extent Information

E1 Sch. 3 extends to N.I. so far as it relates to any enactment extending there, see s. 34(3)

Law Reform (Personal Injuries) Act 1948 (c. 41)

1 In section 2 of the Law Reform (Personal Injuries) Act 1948 (assessment of damages in personal injuries actions) subsections (1), (1A), (3) and (6) are omitted.

Social Security Administration Act 1992 (c. 5)

2 The Social Security Administration Act 1992 is amended as follows.

3 Part IV is omitted.

F174

Textual Amendments

F17 Sch. 3 para. 4 repealed (2.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. VI (with s. 83(6)); S.I. 2001/1252, art. 2(1)(e)

5 In section 125(1) (regulations as to notification of deaths), after “1995” there is inserted “ the Social Security (Recovery of Benefits) Act 1997 ”.

6 In section 163 (general financial arrangements), subsections (1)(e) and (2)(i) are omitted.

7 In section 164(6) (destination of repayments), the words from “or paid” to “82 above” are omitted.

8 In section 170(5) (the Social Security Advisory Committee)—

(a) in the definition of “the relevant enactments”, after paragraph (ab) there is inserted—

“(ac) the provisions of the Social Security (Recovery of Benefits) Act 1997; and”, and

(b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (ab) there is inserted—

“(ac) any provisions in Northern Ireland which correspond to provisions of the ^{M4}Social Security (Recovery of Benefits) Act 1997; and”.

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Marginal Citations

M4 1997 c. 27.

- 9 In section 180 (payment of travelling expenses by the Secretary of State), after “1995” (in both places) there is inserted “, the ^{M5}Social Security (Recovery of Benefits) Act 1997”.

Marginal Citations

M5 1997 c. 27.

- 10 In section 189(8) (Treasury approval to regulations and orders), the words from “and” to “85 above” are omitted.
- 11 In section 190 (parliamentary control of orders and regulations), in subsection (1) (b), “102(2) or” is omitted.
- 12 In section 191 (interpretation), the definitions of “compensation payment” and “compensator” are omitted.
- 13 In section 192(5) (extent), “section 101” is omitted.

SCHEDULE 4 **E+W+S**

Section 33(2).

REPEALS

Extent Information

E2 Sch. 4 extends to N.I. so far as it relates to any enactment extending there, see s. 34(3)

Chapter	Short title	Extent of repeal
1948 c. 41.	The Law Reform (Personal Injuries) Act 1948.	In section 2, subsections (1), (1A), (3) and (6).
1985 c.66.	The Bankruptcy (Scotland) Act 1985.	In section 31(8), the words “and to section 89(2) of the Social Security Administration Act 1992”.
1992 c. 5.	The Social Security Administration Act 1992.	Part IV. In section 110(8), the word “and” immediately preceding paragraph (e). In section 163, subsections (1)(e) and (2)(i). In section 164(6), the words from “or paid” to “82 above”.

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1995 c. 18.	The Jobseekers Act 1995.	In section 189(8), the words from “and” to “85 above”.
		In section 190(1)(b), “102(2) or”.
		In section 191, the definitions of “compensation payment” and “compensator”.
		In section 192(5), “section 101”.
		In Schedule 2, paragraphs 52 and 54.

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Changes and effects yet to be applied to :

- s. 10-14 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(3\)-\(5\)](#)
- s. 1819 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(6\)](#)
- s. 20-23 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(7\)-\(9\)](#)
- s. 28-31 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(10\)](#)
- Sch. 2 words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- Sch. 2 words repealed by [2012 c. 5 Sch. 14 Pt. 9](#)