

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

Social Security (Recovery of Benefits) Act 1997 (c. 27)

- 149 (1) For subsection (1) of section 10 of the Social Security (Recovery of Benefits) Act 1997 (review of certificates of recoverable benefits) there shall be substituted the following subsection—
- “(1) Any certificate of recoverable benefits may be reviewed by the Secretary of State—
- (a) either within the prescribed period or in prescribed cases or circumstances; and
 - (b) either on an application made for the purpose or on his own initiative.”
- (2) At the end of subsection (2) of that section there shall be inserted the words “or
- (c) revoke the certificate.”
- 150 (1) At the end of subsection (1) of section 11 of that Act (appeals against certificates of recoverable benefits) there shall be inserted the words “or
- (c) that listed benefits which have not been, and are not likely to be, paid to the injured person during the relevant period have been brought into account, or
 - (d) that the payment on the basis of which the certificate was issued is not a payment within section 1(1)(a)”.
- (2) In subsection (2) of that section, after paragraph (a) there shall be inserted the following paragraph—
- “(aa) (in a case where that certificate was issued under section 7(2)(a)) the person to whom it was so issued, or”.
- (3) Subsection (6) of that section shall cease to have effect.
- 151 (1) For subsections (1) and (2) of section 12 of that Act (reference of questions to medical appeal tribunal) there shall be substituted the following subsection—
- “(1) The Secretary of State must refer an appeal under section 11 to an appeal tribunal.”
- (2) In subsection (3) of that section, for the words “any question referred to it under subsection (1)” there shall be substituted the words “any appeal under section 11”.
- (3) In subsection (4) of that section—
- (a) for the words “a reference under subsection (1) a medical appeal tribunal” there shall be substituted the words “an appeal under section 11 an appeal tribunal”; and

Status: This is the original version (as it was originally enacted).

- (b) at the end there shall be inserted the words “or
 - (c) declare that the certificate of recoverable benefits is to be revoked.”
- (4) In subsection (5) of that section—
 - (a) for the words “the decisions of the tribunal on the questions referred to it under subsection (1), he must in accordance with those decisions” there shall be substituted the words “the decision of the tribunal on the appeal under section 11, he must in accordance with that decision”; and
 - (b) at the end there shall be inserted the words “or
 - (c) revoke the certificate.”
- (5) The following shall cease to have effect, namely—
 - (a) subsection (6) of that section;
 - (b) in subsection (7) of that section, the words “under subsection (6)(b)”; and
 - (c) subsection (8) of that section.
- 152 (1) In subsection (1) of section 13 of that Act (appeal to social security Commissioner), for the words “a medical appeal tribunal” there shall be substituted the words “an appeal tribunal”.
- (2) In subsection (2) of that section—
 - (a) the word “or” at the end of paragraph (b) shall cease to have effect; and
 - (b) after that paragraph there shall be inserted the following paragraph—
 - “(bb) (in a case where that certificate was issued under section 7(2)(a)) the person to whom it was so issued, or”.
- (3) In subsection (3) of that section, for the words “Subsections (7) to (10) of section 23 of the Social Security Administration Act 1992” there shall be substituted the words “Subsections (7) to (12) of section 14 of the Social Security Act 1998”.
- (4) Subsection (4) of that section shall cease to have effect.
- 153 In section 29 of that Act (general interpretation)—
 - (a) before the definition of “benefit” there shall be inserted the following definition—
 - ““appeal tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998;” and
 - (b) after the definition of “benefit” there shall be inserted the following definition—
 - ““Commissioner” has the same meaning as in Chapter II of Part I of the Social Security Act 1998 (see section 39);”.