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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument is made before the end of the period of 6 months beginning with the coming into force of the enactments under which the Regulations are made. The Regulations contained in this instrument are accordingly exempt by section 61(5) of the Social Security Act 1986 (c. 50), as amended by the Social Security Act 1989 (c. 24) Schedule 8, paragraph 12(3), from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations contain provisions (“the recoupment provisions”) relating to the recovery of sums equivalent to benefit from compensation payments in respect of accidents, injuries and diseases and are made under powers contained in section 22 of and Schedule 4 to the Social Security Act 1989 (c. 24)

Regulation 2 prescribes the benefits which are relevant for the purposes of the recoupment provisions. Small payments are exempt from liability under the recoupment provisions, and regulation 3 sets the level of a small payment (or the aggregate of payments) at £2,500 or less. Regulation 4 prescribes certain payments which are not compensation payments for the purposes of the recoupment provisions.

Regulations 5, 6 and 7 relate to the information required to be provided to the Secretary of State by respectively the compensator, the victim and, where Statutory sick pay has been in payment to the victim, the victim's employer or employers. Regulation 8 provides for the information to be sent to the Compensation Recovery Unit of the Department of Social Security.

Where the Secretary of State fails to send a certificate of total benefit within 4 weeks then the compensator's liability to the Secretary of State becomes unenforceable where he has provided the Secretary of State with the particulars set out in regulation 9 and has received a written acknowledgement of his request for the certificate (regulation 10).

Regulations 11, 12 and 13 make provision for appeals from and reviews of the amount specified on a certificate of total benefit.

Regulation 14 makes provision where no balance remains for payment to the intended recipient after deductions from the compensation payment of the amount payable to the Secretary of State, for references to compensation payments in Schedule 4 to the Social Security Act 1989 to be construed as references to the acceptance of an offer.

Regulation 15 makes modifications to the Regulations where the compensator is situate abroad.

Regulation 16(1) relates to notifications of claims in respect of compensation payments which may be made after 2nd September 1990 where the accident, injury or disease occurred on or after 1st January 1989 but before 2nd April 1990, and regulation 16(2) provides for savings where it occurred before 1st January 1989.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Recoupment) Regulations 1990,. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- reg. 2(1) amended by
- reg.2(1)(1)(3) revoked by [S.I. 1994/730 regs 35](#)
- reg.2(2) amended by [S.I. 1996/672 reg.5](#)
- reg. 2(3) added by
- reg. 4 amended by
- reg. 4(g) added by [S.I. 1992/1101 reg. 7](#)
- reg. 4(h) added by [S.I. 1993/1249 reg. 7](#)
- reg. 4(ee) inserted by [S.I. 1991/1175 reg. 6](#)