
STATUTORY INSTRUMENTS

2008 No. 1596

**The Social Security (Recovery of Benefits)
(Lump Sum Payments) Regulations 2008**

PART 4

Reduction of compensation payment

[^{F1}Reduction of compensation payment under Diffuse Mesothelioma Payment Scheme

12A.—(1) This regulation applies in a case where the compensation payment is a payment under the Diffuse Mesothelioma Payment Scheme.

(2) The gross amount of the compensation payment—

- (a) is to be reduced by the amount of the recoverable lump sum payments; and
- (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable lump sum payments is equal to or greater than the gross amount of the compensation payment.

(3) The reduction in paragraph (2) is to be made before any reduction in respect of recoverable benefits under section 8A of the Act.

(4) Any claim by a person to receive the compensation payment is to be treated for all purposes as discharged if—

- (a) the person is paid the gross amount of the compensation payment less the amount of the recoverable lump sum payments; or
- (b) the amount of the recoverable lump sum payments is equal to or greater than the gross amount of the compensation payment and the person is given a statement by the scheme administrator saying that the compensation payment has been reduced to nil.

(5) In the application of paragraph (4) to any case where the compensation payment is to be made to two or more dependants of P, the deduction of the amount of the recoverable lump sum payments is to be made before calculating the amount to be paid to each dependant in accordance with regulation 16(2)(iii) of the Diffuse Mesothelioma Payment Scheme Regulations 2014.]

Textual Amendments

- F1** Reg. 12A inserted (1.7.2014) by *The Social Security (Recovery of Benefits) (Lump Sum Payments) (Amendment) Regulations 2014* (S.I. 2014/1456), reg. 1(2), **Sch. para. 10**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008, Section 12A.