

SCHEDULE

Amendments to the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008

15. In regulation 19 (adjustments)—

(a) after paragraph (5), insert—

“(5A) This paragraph applies where—

- (a) the amount of the payment made by the compensator was calculated under regulation 12A; and
- (b) the Secretary of State has made a payment under paragraph (1).

(5B) Where paragraph (5A) applies, the amount of the compensation payment is to be recalculated under regulation 12A to take account of the fresh certificate and the compensator must pay the amount of the increase (if any) to the applicant as defined by regulation 3 of the Diffuse Mesothelioma Payment Scheme Regulations 2014.”;

(b) after paragraph (7), insert—

“(8) This paragraph applies where—

- (a) the amount of the payment made by the compensator was calculated under regulation 12A; and
- (b) the fresh certificate issued after the review or appeal was required as a result of any applicant for payment under the Diffuse Mesothelioma Payment Scheme supplying to the compensator information knowing it to be incorrect or insufficient, and the compensator supplying that information to the Secretary of State without knowing it to be incorrect or insufficient.

(9) Where paragraph (8) applies, the compensator may recalculate the compensation payment under regulation 12A to take account of the fresh certificate and may require the repayment by the applicant responsible for supplying the incorrect or insufficient information of the difference (if any) between the payment made and the payment so recalculated.”.