

## SCHEDULE

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

- 3.—(1) Regulation 4 (recovery of lump sum payments)(1) is amended as follows.
- (2) For the heading, substitute “Recovery of lump sum payments from compensation payment made otherwise than under Diffuse Mesothelioma Payment Scheme”.
- (3) In paragraph (1)—
- (a) for “a payment to which section 1A(2) of the Act applies (“a lump sum payment”)” substitute “a lump sum payment”; and
- (b) after sub-paragraph (a) insert—
- “(ab) the compensation payment is not a payment under the Diffuse Mesothelioma Payment Scheme; and”.
- (4) After paragraph (1) insert—
- “(1A) The Secretary of State may also recover the amount of lump sum payments to which section 1A(2)(d) of the Act applies where—
- (a) any such payment has been, or is likely to be, made to one or more dependants of P;
- (b) by virtue of a notice given under section 3(3) of the 2014 Act, any other dependant of P has ceased to be eligible for a lump sum payment to which section 1A(2)(d) of the Act applies; and
- (c) a compensation payment in consequence of P’s diffuse mesothelioma is made to that other dependant.”.

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(1) Section 1(2) of the Social Security (Recovery of Benefits) Act 1997 (“the 1997 Act”) was amended by paragraphs 1 and 2 of Schedule 1 to the Mesothelioma Act 2014 so as to add a payment under the Diffuse Mesothelioma Payment Scheme to the list of payments referred to in section 1(1)(a) of the 1997 Act which are made in consequence of any accident, injury or disease. Section 1A(5) of the 1997 Act defines “compensation payment” as being a payment within section 1(1)(a) of that Act.