



# Social Security (Recovery of Benefits) Act 1997

## CHAPTER 27

### SOCIAL SECURITY (RECOVERY OF BENEFITS) ACT 1997

#### *Introductory*

- 1 Cases in which this Act applies.
- 1A Lump sum payments: regulation-making power
- 2 Compensation payments to which this Act applies.
- 3 “The relevant period”.

#### *Certificates of recoverable benefits*

- 4 Applications for certificates of recoverable benefits.
- 5 Information contained in certificates.

#### *Liability of person paying compensation*

- 6 Liability to pay Secretary of State amount of benefits.
- 7 Recovery of payments due under section 6.

#### *Reduction of compensation payment*

- 8 Reduction of compensation payment.
- 8A Reduction of payment under Diffuse Mesothelioma Payment Scheme
- 9 Section 8: supplementary.

#### *Reviews and appeals*

- 10 Review of certificates of recoverable benefits.
- 11 Appeals against certificates of recoverable benefits.
- 12 Reference of questions to First-tier Tribunal.

*Changes to legislation: Social Security (Recovery of Benefits) Act 1997 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 13 Appeal to Upper Tribunal.
- 14 Reviews and appeals: supplementary.

#### *Courts*

- 15 Court orders.
- 16 Payments into court.
- 17 Benefits irrelevant to assessment of damages.

#### *Reduction of compensation: complex cases*

- 18 Lump sum and periodical payments.
- 19 Payments by more than one person.

#### *Miscellaneous*

- 20 Amounts overpaid under section 6.
- 21 Compensation payments to be disregarded.
- 22 Liability of insurers.
- 23 Provision of information.
- 24 Power to amend Schedule 2.

#### *Provisions relating to Northern Ireland*

- 25 Corresponding provision for Northern Ireland.
- 26 Residence of the injured person.
- 27 Jurisdiction of courts.

#### *General*

- 28 The Crown.
- 29 General interpretation.
- 30 Regulations and orders.
- 31 Financial arrangements.
- 32 Power to make transitional, consequential etc. provisions.
- 33 Consequential amendments and repeals.
- 34 Short title, commencement and extent.

---

### SCHEDULES

#### SCHEDULE 1 — Compensation payments

##### Part I — EXEMPTED PAYMENTS

- 1 Any small payment (defined in Part II of this Schedule)...
  - 2 Any payment made to or for the injured person under...
  - 3 Any payment made in the exercise of a discretion out...
  - 4 Any payment made out of property held for the purposes...
  - 5 (1) Any payment made to the injured person by an...
  - 6 Any redundancy payment falling to be taken into account in...
  - 7 So much of any payment as is referable to costs....
  - 8 Any prescribed payment.
- ##### Part II — POWER TO DISREGARD SMALL PAYMENTS
- 9 (1) Regulations may make provision for compensation payments to be...

#### SCHEDULE 2 — Calculation of compensation payment

**Changes to legislation:** Social Security (Recovery of Benefits) Act 1997 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- 1 NOTES
- 2 Any reference to statutory sick pay— (a) includes only 80...
- 3 In this Schedule “the 1992 Act” means the Social Security...

### SCHEDULE 3 — Consequential amendments

#### *Law Reform (Personal Injuries) Act 1948 (c. 41)*

- 1 In section 2 of the Law Reform (Personal Injuries) Act...

#### *Social Security Administration Act 1992 (c. 5)*

- 2 The Social Security Administration Act 1992 is amended as follows....
- 3 Part IV is omitted.
- 4 Consequential amendments
- 5 In section 125(1) (regulations as to notification of deaths), after...
- 6 In section 163 (general financial arrangements), subsections (1)(e) and (2)(i)...
- 7 In section 164(6) (destination of repayments), the words from “or...
- 8 In section 170(5) (the Social Security Advisory Committee)—
- 9 In section 180 (payment of travelling expenses by the Secretary...
- 10 In section 189(8) (Treasury approval to regulations and orders), the...
- 11 In section 190 (parliamentary control of orders and regulations), in...
- 12 In section 191 (interpretation), the definitions of “compensation payment” and...
- 13 In section 192(5) (extent), “section 101” is omitted.

### SCHEDULE 4 — Repeals

**Changes to legislation:**

Social Security (Recovery of Benefits) Act 1997 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

- s. 10-14 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(3\)-\(5\)](#)
- s. 1819 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(6\)](#)
- s. 20-23 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(7\)-\(9\)](#)
- s. 28-31 amendment to earlier affecting provision SI 2008/1596 reg. 2 Sch. 1 by [S.I. 2014/1456 Sch. para. 16\(10\)](#)
- Sch. 2 words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- Sch. 2 words repealed by [2012 c. 5 Sch. 14 Pt. 9](#)