

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 11

RECOVERY OF BENEFITS ETC FROM PAYMENTS AND RECOVERY OF PAYMENTS

PART 1

RECOVERY OF BENEFITS ETC FROM SCHEME PAYMENTS

Recovery of benefits etc from scheme payments: England and Wales and Scotland

1 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.

Commencement Information

11 Sch. 1 para. 1 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

2 In section 1(2)—

- (a) omit the word “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “, or
- (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);”.

Commencement Information

12 Sch. 1 para. 2 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

3 After section 8 insert—

“8A Reduction of payment under Diffuse Mesothelioma Payment Scheme

- (1) This section applies instead of section 8 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 benefit, and
 - (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.
- (3) Any claim of 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 benefit, or

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1. (See end of Document for details)

- (b) the amount of the recoverable benefit 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.”

Commencement Information

I3 Sch. 1 para. 3 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 4 In section 10 after subsection (3) insert—

“(4) The scheme administrator of the Diffuse Mesothelioma Payment Scheme may not apply for a review under this section.”

Commencement Information

I4 Sch. 1 para. 4 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 5 In section 11(2) after paragraph (b) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.”

Commencement Information

I5 Sch. 1 para. 5 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 6 In section 13(2) after paragraph (c) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.”

Commencement Information

I6 Sch. 1 para. 6 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 7 In section 29 at the end insert—

““scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.”

Commencement Information

I7 Sch. 1 para. 7 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 8 In the following provisions after “section 8” insert “ or 8A ”

section 9(1), (2), (3)(a) and (4)(a);
 section 11(2)(b);
 section 13(2)(c);
 section 14(4)(a);

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1. (See end of Document for details)

section 19(3)(b);
section 20(4)(a);
section 21(1) and (5)(a).

Commencement Information

I8 Sch. 1 para. 8 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

Recovery of benefits etc from scheme payments: Northern Ireland

9 The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183 (N.I. 12)) is amended as follows.

Commencement Information

I9 Sch. 1 para. 9 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

10 In Article 2(2) at the appropriate place insert—

““scheme administrator”, in relation to the Diffuse Mesothelioma Payment Scheme, has the meaning given by section 18 of the Mesothelioma Act 2014.”

Commencement Information

I10 Sch. 1 para. 10 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

11 In Article 3(2)—

- (a) omit the word “or” at the end of sub-paragraph (a);
- (b) at the end of sub-paragraph (b) insert “, or
- (c) under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014);”.

Commencement Information

I11 Sch. 1 para. 11 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

12 After Article 10 insert—

Reduction of payment under Diffuse Mesothelioma Payment Scheme

“10A(1) This Article applies instead of Article 10 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 benefit, and
- (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1. (See end of Document for details)

- (3) Any claim of 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 benefit, or
 - (b) the amount of the recoverable benefit 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.”

Commencement Information

I12 Sch. 1 para. 12 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 13 In Article 12 after paragraph (3) insert—

“(4) The scheme administrator of the Diffuse Mesothelioma Payment Scheme may not apply for a review under this Article.”

Commencement Information

I13 Sch. 1 para. 13 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 14 In Article 13(2) after sub-paragraph (b) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.”

Commencement Information

I14 Sch. 1 para. 14 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 15 In Article 15(2) after sub-paragraph (c) insert—

“but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.”

Commencement Information

I15 Sch. 1 para. 15 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

- 16 In the following provisions after “Article 10” insert “ or 10A ”

Article 11(1), (2), (3)(a) and (4)(a);
 Article 13(2)(b);
 Article 15(2)(c);
 Article 16(4)(a);
 Article 21(3)(b);
 Article 22(4)(a);
 Article 23(1) and (5)(a).

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1. (See end of Document for details)

Commencement Information

I16 Sch. 1 para. 16 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

PART 2

RECOVERY OF SCHEME PAYMENTS FROM COMPENSATION

Recovery of scheme payments from compensation: England and Wales and Scotland

- 17 (1) Section 1A of the Social Security (Recovery of Benefits) Act 1997 is amended as follows.
- (2) In subsection (2)—
- (a) omit the word “and” at the end of paragraph (b), and
 - (b) at the end of paragraph (c) insert “, and
 - (d) a payment under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014),
- (but this subsection does not apply to a payment within paragraph (d) in a case where the compensation payment is itself such a payment). ”
- (3) In subsection (4)(a) for the words from “by or” to “extent” substitute “ as specified in section 1(2)(a) or (c) ”.

Commencement Information

I17 Sch. 1 para. 17 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

Recovery of scheme payments from compensation: Northern Ireland

- 18 (1) Article 3A of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183 (N.I. 12)) is amended as follows.
- (2) In paragraph (2)—
- (a) omit the word “and” at the end of sub-paragraph (b), and
 - (b) at the end of sub-paragraph (c) insert “, and
 - (d) a payment under the Diffuse Mesothelioma Payment Scheme (established under the Mesothelioma Act 2014),
- (but this paragraph does not apply to a payment within sub-paragraph (d) in a case where the compensation payment is itself such a payment). ”
- (3) In paragraph (4)(a) for the words from “by or” to “extent” substitute “ as specified in Article 3(2)(a) or (c) ”.

Commencement Information

I18 Sch. 1 para. 18 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1. (See end of Document for details)

PART 3

INFORMATION SHARING

19 In section 23 of the Social Security (Recovery of Benefits) Act 1997 after subsection (6) insert—

“(6A) The following persons must give the Secretary of State the prescribed information for the purposes of this Act—

- (a) the scheme administrator of the Diffuse Mesothelioma Payment Scheme, and
- (b) any person providing services to the scheme administrator.”

Commencement Information

I19 Sch. 1 para. 19 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

20 In Article 25 of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183) (N.I. 12) after paragraph (6) insert—

“(6A) The following persons must give the Department the prescribed information for the purposes of this Order—

- (a) the scheme administrator of the Diffuse Mesothelioma Payment Scheme, and
- (b) any person providing services to the scheme administrator.”

Commencement Information

I20 Sch. 1 para. 20 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

21 In section 3 of the Social Security Act 1998 (use of information) at the end of subsection (1A) insert—

“(f) the Diffuse Mesothelioma Payment Scheme.”

Commencement Information

I21 Sch. 1 para. 21 in force at 31.3.2014 by S.I. 2014/459, art. 3(c)

Changes to legislation:

There are currently no known outstanding effects for the Mesothelioma Act 2014, SCHEDULE 1.