



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART IV

#### RECOVERY FROM COMPENSATION PAYMENTS

##### *Miscellaneous*

#### **101 Persons in Northern Ireland**

- (1) Where, immediately before making a compensation payment to or in respect of a victim, the compensator—
  - (a) is not resident and does not have a place of business in Great Britain, but
  - (b) is resident or has a place of business in Northern Ireland,this Part of this Act (other than this subsection and subsection (2) below) shall apply in relation to him as if at that time he were resident or had a place of business in the relevant part of Great Britain.
- (2) Where, immediately before making a Northern Ireland compensation payment to or in respect of a Northern Ireland victim, a Northern Ireland compensator—
  - (a) is not resident and does not have a place of business in Northern Ireland, but
  - (b) is resident or has a place of business in any part of Great Britain,the Northern Ireland provisions (other than subsection (1) above and this subsection) shall apply in relation to him as if at that time he were resident or had a place of business in Northern Ireland.
- (3) Where an address in Northern Ireland is the first address notified in writing to the compensator by or on behalf of the victim as his residence (or, if the victim has died, by or on behalf of the intended recipient as the victim's last residence) then—
  - (a) the compensator shall apply, as a Northern Ireland compensator, for a Northern Ireland certificate in accordance with the Northern Ireland provisions (and shall not make any separate application for a certificate of total benefit under this Part);

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) any Northern Ireland certificate which is issued to the compensator in relation to the victim and the accident, injury or disease in question—
    - (i) shall contain a statement that it is to be treated as including a certificate of total benefit so issued by the Secretary of State and that any relevant payment required to be made to him by reference thereto is to be paid to the Northern Ireland Department as his agent; and
    - (ii) shall be taken to include such a certificate of total benefit; and
  - (c) any payment made by the compensator to the Northern Ireland Department in pursuance of such a Northern Ireland certificate shall be applied—
    - (i) first towards discharging his liability under the Northern Ireland provisions; and
    - (ii) then, as respects any remaining balance, towards discharging his liability under this Part,

in respect of the relevant victim and that accident, injury or disease.
- (4) Where an address in any part of Great Britain is the first address notified in writing to a Northern Ireland compensator by or on behalf of a Northern Ireland victim as his residence (or, if the Northern Ireland victim has died, by or on behalf of the Northern Ireland intended recipient as the Northern Ireland victim's last residence) then—
- (a) the Northern Ireland compensator shall apply, as a compensator, for a certificate of total benefit in accordance with this Part of this Act (and shall not make any separate application for a Northern Ireland certificate under the Northern Ireland provisions);
  - (b) any certificate of total benefit which is issued to the Northern Ireland compensator in relation to the Northern Ireland victim and the accident, injury or disease in question—
    - (i) shall contain a statement that it is to be treated as including a Northern Ireland certificate so issued by the Northern Ireland Department and that any Northern Ireland relevant payment required to be made to that Department by reference thereto is to be paid to the Secretary of State as its agent; and
    - (ii) shall be taken to include such a Northern Ireland certificate; and
  - (c) any payment made by the Northern Ireland compensator to the Secretary of State in pursuance of such a certificate shall be applied—
    - (i) first towards discharging his liability under this Part of this Act; and
    - (ii) then, as respects any remaining balance, towards discharging his liability under the Northern Ireland provisions,

in respect of the relevant victim and that accident, injury or disease.
- (5) For the purposes of subsection (1) above, “the relevant part of Great Britain”, in relation to a compensator, means—
- (a) if the compensator has been notified in writing—
    - (i) by or on behalf of the victim, or
    - (ii) if the victim has died, by or on behalf of the intended recipient,

that the victim is or was at any time resident at an address in any part of Great Britain, that part of Great Britain (or, if more than one such notification has been given, the part in which he was so notified that the victim was most recently so resident); or
  - (b) in any other case, such part of Great Britain as the Secretary of State may determine in accordance with regulations.

(6) In this section—

“Northern Ireland certificate” means a certificate of total benefit, within the meaning of the Northern Ireland provisions;

“Northern Ireland compensation payment” means a compensation payment, within the meaning of the Northern Ireland provisions, and includes a payment which would be such a payment if the person making it were resident or had a place of business in Northern Ireland;

“Northern Ireland compensator” means a compensator, within the meaning of the Northern Ireland provisions, and includes a person who would be such a compensator if he were resident or had a place of business in Northern Ireland;

“the Northern Ireland intended recipient” means the intended recipient, within the meaning of the Northern Ireland provisions, in relation to a Northern Ireland compensation payment;

“the Northern Ireland provisions” means—

(a) any legislation corresponding to this Part (other than this section) and having effect in Northern Ireland; and

(b) this section;

“Northern Ireland relevant payment” means a relevant payment within the meaning of the Northern Ireland provisions;

“Northern Ireland victim” means a person who is the victim, within the meaning of the Northern Ireland provisions, in relation to a Northern Ireland compensation payment;

“the relevant victim” means the person who is the victim or the Northern Ireland victim (or both), as the case may be.

## **102 Foreign compensators: duties of intended recipient**

(1) Where, immediately before the making of the compensation payment, the compensator is not resident and does not have a place of business in any part of the United Kingdom, any deduction, payment or other thing which would, apart from this section, fall to be made or done under this Part of this Act by the compensator shall instead be made or done by the intended recipient and references to the compensator shall be construed accordingly.

(2) The Secretary of State may by regulations make such provision as he considers expedient for the purpose of modifying this Part of this Act in its application in such a case.

## **103 Interest on damages: reductions in respect of relevant payments**

In assessing the amount of interest payable in respect of an award of damages, the amount of the award shall be treated as reduced by a sum equal to the amount of the relevant payment (if any) required to be made in connection with the payment of the damages and—

(a) in England and Wales, if both special and general damages are awarded, any such reductions shall be treated as made first against the special damages and then, as respects any remaining balance, against the general damages; and

(b) in Scotland, if damages are awarded both for patrimonial loss and for solatium, any such reductions shall be treated as made first against the damages for

---

*Status: This is the original version (as it was originally enacted).*

---

patrimonial loss and then, as respects any remaining balance, against the damages for solatium.

#### **104 The Crown**

This Part of this Act applies in relation to the making of a compensation payment by the Crown as it applies in relation to the making of a compensation payment by any other compensator.