



Social Security Administration Act 1992

1992 CHAPTER 5

PART IV

RECOVERY FROM COMPENSATION PAYMENTS

Payments, deductions and certificates

93 Payments into court

- (1) Nothing in this Part of this Act requires a court to make any relevant deduction or payment in connection with money in court.
- (2) Where a party to an action makes a payment into court which, had it been paid directly to the other party, would have constituted a compensation payment, the making of that payment shall be regarded for the purposes of this Part of this Act as the making of a compensation payment, but the compensator—
 - (a) may either—
 - (i) withhold from the payment into court an amount equal to the relevant deduction; or
 - (ii) make such a payment into court before the certificate of total benefit has been issued to him; and
 - (b) shall not become liable to make the relevant payment, or to furnish a certificate of deduction, until he has been notified that the whole or any part of the payment into court has been paid out of court to or for the other party.
- (3) Where a person making a payment into court withholds an amount in accordance with subsection (2)(a)(i) above—
 - (a) he shall, at the time when he makes that payment, furnish the court with a certificate of the amount so withheld; and
 - (b) the amount paid into court shall be regarded as increased by the amount so certified,

but no person shall be entitled by virtue of this subsection to the payment out of court of any amount which has not in fact been paid into court.

Status: This is the original version (as it was originally enacted).

- (4) Where a payment into court is made as mentioned in subsection (2)(a)(ii) above, the compensator—
- (a) shall apply for the certificate of total benefit no later than the day on which the payment into court is made; and
 - (b) shall become liable to make the relevant payment as mentioned in subsection (2)(b) above, notwithstanding that the relevant deduction has not been made.
- (5) Where any such payment into court as is mentioned in subsection (2) above is accepted by the other party to the action within the initial period, then, as respects the compensator in question, the relevant period shall be taken to have ended on the day on which the payment into court (or, if there were two or more such payments, the last of them) was made; but where the payment into court is not so accepted, then—
- (a) the relevant period as respects that compensator shall end on the day on which he is notified that the payment has been paid out of court to or for that other party; and
 - (b) in determining the amount of the relevant payment, that compensator shall be treated as if his payment into court had been made on that day.
- (6) In subsection (5) above “the initial period” means the period of 21 days following the making of the payment into court (or, if there were two or more such payments, the last of them), but rules of court may make provision varying the length of that period.
- (7) Where a payment into court is paid out wholly to or for the party who made the payment (otherwise than to or for the other party to the action) the making of the payment into court shall cease to be regarded as the making of a compensation payment.
- (8) Rules of court may make provision regulating or prescribing the practice and procedure to be followed in relation to such payments into court as are mentioned in subsection (2) above.
- (9) This section does not extend to Scotland.