

SCHEDULES

SCHEDULE 1

Article 9.

AMENDMENTS RELATING TO THE RECOVERY FROM DAMAGES, ETC., OF SUMS EQUIVALENT TO BENEFIT

Payments under compensation schemes for motor accidents

- 1.—(1) In Article 24(3) of the 1989 Order, in the definition of “compensation payment”—
- (a) at the beginning of paragraph (b) insert “either (i)” and at the end of that paragraph insert “or
 - (ii) in pursuance of a compensation scheme for motor accidents;” and
 - (b) for the words following that paragraph substitute “but does not include benefit or an exempt payment or so much of any payment as is referable to costs incurred by any person”.
- (2) After that definition insert the following definition—
- ““compensation scheme for motor accidents” means any scheme or arrangement under which funds are available for the payment of compensation in respect of motor accidents caused, or alleged to have been caused, by uninsured or unidentified persons;”.
- (3) In consequence of the amendment made by sub-paragraph (1)(b), in the definition of “relevant period” in the said Article 24(3) the words from “whether or not” onwards shall cease to have effect.
- (4) In paragraph 13 of Schedule 4 to that Order, after sub-paragraph (2) insert the following sub-paragraph—
- “(2A) A person who makes any payment (whether a compensation payment or not) on behalf of himself or another—
- (a) in consequence of any accident, injury or disease suffered, or any damage to property sustained, by any other person, or
 - (b) which is referable to any costs incurred by any such other person by reason of such an accident, injury, disease or damage,
- shall, if the Department so requests him in writing, furnish the Department with such particulars relating to the size and composition of the payment as may be specified in the request.”.

Payments into court

- 2.—(1) In paragraph 12 of Schedule 4 to that Order, in sub-paragraph (2)(b) (payments into court: compensator not liable to make relevant payment, etc., until he is notified that the money has been paid out to or for the other party) after “notified that” insert “the whole or any part of”.
- (2) In sub-paragraph (5) of that paragraph (special provision where payment into court is paid out to or for the other party within 21 days), for “paid out of court to or for” substitute “accepted by” and for “was made” substitute

“(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.”
- (3) In sub-paragraph (6) of that paragraph (the initial period), after “payment into court” insert “(or, if there were two or more such payments, the last of them)”.
- (4) After that sub-paragraph insert the following sub-paragraph—
- “(6A) 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”.

Appeals: special time limit for provisional damages

3. In paragraph 17 of that Schedule, in sub-paragraph (3) (which provides a special time limit for appeals in cases where provisional damages are awarded), for head (a) substitute the following head—

- “(a) an award of damages (“provisional damages”) has been made under paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982; and”.

Appeal to Commissioner by Department on point of law

4. In sub-paragraph (11) of that paragraph (appeal on point of law from decision of medical appeal tribunal or social security appeal tribunal), after “at the instance of” insert “the Department,”.

Interest on damages: reductions in respect of relevant payments

5. After paragraph 22 of that Schedule add the following paragraph—

“Interest on damages: reductions in respect of relevant payments

23. 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, 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.”.

The Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (c. 23)

6. In section 3(1) (half of certain benefits to be brought into account in assessing damages), for “him” substitute “the injured person”.