
STATUTORY INSTRUMENTS

1997 No. 1183

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997

Introductory

[^{F1}Lump sum payments: regulation-making power

3A.—(1) The Department may by regulations make provision about the recovery of the amount of a payment to which paragraph (2) applies (a “lump sum payment”) where—

- (a) a compensation payment in consequence of a disease is made to or in respect of a person (“P”) to whom, or in respect of whom, a lump sum payment has been, or is likely to be, made, and
- (b) the compensation payment is made in consequence of the same disease as the lump sum payment.

(2) This paragraph applies to—

- (a) a payment made in accordance with the Pneumoconiosis, etc. , (Workers' Compensation) (Northern Ireland) Order 1979 (in this Article referred to as “ the 1979 Order ”);
- (b) a payment made in accordance with the Mesothelioma, etc., Act (Northern Ireland) 2008,^{F2}
...
- (c) an extra-statutory payment (within the meaning given by paragraph (5)(d))^{F3}, 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) Regulations under this Article may, in particular—

- (a) make provision about the recovery of the amount of a lump sum payment made to or in respect of a dependant of P;
- (b) make provision enabling the recovery of the amount of a lump sum payment from a compensation payment (including provision enabling the recovery of an amount which reduces the compensation payment to nil);
- (c) enable the amount of a lump sum payment made before commencement to be recovered from a compensation payment made after commencement;
- (d) make provision about certificates in respect of lump sum payments;
- (e) apply any provision of this Order, with or without modifications.

(4) References in paragraph (1) to a payment made in consequence of a disease—

- (a) are references to a payment made [^{F4}as specified in Article 3(2)(a) or (c)] in respect of the disease, but
- (b) do not include references to a payment mentioned in Part 1 of Schedule 1.

Changes to legislation: *The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997, Section 3A is up to date with all changes known to be in force on or before 24 August 2023. 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*

(5) In this Article—

- (a) “ commencement ” means the date on which this Article comes into operation,
- (b) “ compensation payment ” means a payment within Article 3(1)(a),
- (c) “ dependant ” has the meaning given by Article 5 of the 1979 Order, and
- (d) “ extra-statutory payment ” means a payment made by the Department to or in respect of a person following the rejection by the Department of a claim under the 1979 Order.]

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| <p>F1 Art. 3A inserted (27.8.2008 for certain purposes otherwise 1.10.2008) by Mesothelioma, etc., Act (Northern Ireland) 2008 (c. 9), ss. 8, 12(1); S.R. 2008/351, art. 2(1), Sch.</p> <p>F2 Word in art. 3A(2)(b) omitted (31.3.2014) by virtue of Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 18(2)(a); S.I. 2014/459, art. 3(c)</p> <p>F3 Art. 3A(2)(d) and words inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 18(2)(b); S.I. 2014/459, art. 3(c)</p> <p>F4 Words in art. 3A(4)(a) substituted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 18(3); S.I. 2014/459, art. 3(c)</p> |
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Changes and effects yet to be applied to :

- power to am. (prosp.) by [1998 c. 47 s.87](#)