
STATUTORY INSTRUMENTS

1997 No. 1183

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

Reduction of compensation: complex cases

Lump sum and periodical payments

20.—(1) Regulations may make provision (including provision modifying this Order) for any case in which two or more compensation payments in the form of lump sums are made by the same person to or in respect of the injured person in consequence of the same accident, injury or disease.

(2) The regulations may (among other things) provide—

- (a) for the re-calculation in accordance with Article 10 of the amount of any compensation payment,
- (b) for giving credit for amounts already paid, and
- (c) for the payment by any person of any balance or the recovery from any person of any excess.

(3) For the purposes of paragraph (2), the regulations may provide for the gross amounts of the compensation, payments to be aggregated and for—

- (a) the aggregate amount to be taken to be the gross amount of the compensation payment for the purposes of Article 10,
- (b) so much of the aggregate amount as is attributable to a head of compensation listed in column (1) of Schedule 2 to be taken to be the part of the gross amount which is attributable to that head,

and for the amount of any recoverable benefit shown against any head in column (2) of that Schedule to be taken to be the amount determined in accordance with the most recent certificate of recoverable benefits.

(4) Regulations may make provision (including provision modifying this Order) for any case in which, in final settlement of the injured person's claim, an agreement is entered into for the making of—

- (a) periodical compensation payments (whether of an income or capital nature), or
- (b) periodical compensation payments and lump sum compensation payments.

(5) Regulations made by virtue of paragraph (4) may (among other things) provide—

- (a) for the relevant period to be treated as ending at a prescribed time,
- (b) for the person who is to make the payments under the agreement to be treated for the purposes of this Order as if he had made a single compensation payment on a prescribed date.

(6) A periodical payment may be a compensation payment for the purposes of this Article even though it is a small payment (as defined in Part II of Schedule 1).

Status: Point in time view as at 31/03/2014.

Changes to legislation: The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997, Cross Heading: Reduction of compensation: complex cases is up to date with all changes known to be in force on or before 28 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)

Payments by more than one person

21.—(1) Regulations may make provision (including provision modifying this Order) for any case in which two or more persons (“the compensators”) make compensation payments to or in respect of the same injured person in consequence of the same accident, injury or disease.

(2) In such a case, the sum of the liabilities of the compensators under Article 8 is not to exceed the total amount of the recoverable benefits, and the regulations may provide for determining the respective liabilities under that Article of each of the compensators.

(3) The regulations may (among other things) provide in the case of each compensator—

- (a) for determining or re-determining the part of the recoverable benefits which may be taken into account in his case,
- (b) for calculating or recalculating in accordance with Article 10 [^{F1}or 10A] the amount of any compensation payment,
- (c) for giving credit for amounts already paid, and
- (d) for the payment by any person of any balance or the recovery from any person of any excess.

F1 Words in art. 21(3)(b) inserted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), [Sch. 1 para. 16](#); [S.I. 2014/459](#), art. 3(c)

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