SCHEDULES

SCHEDULE 1

Article 3.

COMPENSATION PAYMENTS

PART I

EXEMPTED PAYMENTS

1. Any small payment (defined in Part II of this Schedule).

2. Any payment made to or for the injured person under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 **[**[F1]or section 175 of the Armed Forces Act 2006**]** (compensation orders against convicted persons).

F1 Words in Sch. 1 Pt. 1 para. 2 inserted (28.3.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 151**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Modifications etc. (not altering text)

C1 Sch. 1 para. 2 modified (24.4.2009 for certain purposes otherwise 31.10.2009) by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(3), 205, **Sch. 1 para. 42**

3. Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent. by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—

(a) the accident, injury or disease suffered by the injured person, or

(b) the same or any connected accident, injury or disease suffered by another.

4. Any payment made out of property held for the purposes of any prescribed trust (whether the payment also falls within paragraph 3 or not).

5.—[[F2](1)**]** Any payment made to the injured person by an**[**[F2] insurer**]** under the terms of any contract of insurance entered into between the injured person and**[**[F2] the insurer**]** before—

(a) the date on which the injured person first claims a listed benefit in consequence of the disease in question, or

(b) the occurrence of the accident or injury in question.

[[F2](2) "Insurer" means—

(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.

(3) Sub-paragraph (2) must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act.**]**

F2 SI 2001/3649

6. Any redundancy payment falling to be taken into account in the assessment of damages in respect of an accident, injury or disease.

7. So much of any payment as is referable to costs.

8. Any prescribed payment.

PART II

POWER TO DISREGARD SMALL PAYMENTS

9.—(1) Regulations may make provision for compensation payments to be disregarded for the purposes of Articles 8 and 10 in prescribed cases where the amount of the compensation payment, or the aggregate amount of two or more connected compensation payments, does not exceed the prescribed sum.

(2) A compensation payment disregarded by virtue of this paragraph is referred to in paragraph 1 as a “small payment”.

(3) For the purposes of this paragraph—

(a) two or more compensation payments are “connected” if each is made to or in respect of the same injured person and in respect of the same accident, injury or disease, and

(b) any reference to a compensation payment is a reference to a payment which would be such a payment apart from paragraph 1.

Status:
Point in time view as at 28/03/2009.

Changes to legislation:
The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997, SCHEDULE 1 is up to date with all changes known to be in force on or before 22 May 2024. 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.