
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 355

The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations (Northern Ireland) 2008

PART 3

Liability of person paying compensation

Liability to pay Department amount of lump sum payments

10.—(1) A person who makes a compensation payment in any case is liable to pay the Department an amount equal to the total amount of—

- (a) in a case to which paragraph (2) applies, the recoverable lump sum payments; or
- (b) in a case to which paragraph (3) applies, the compensation payment.

(2) Paragraph (1)(a) applies to a case where—

- (a) the compensation payment is equal to, or more than, any recoverable lump sum payments; or
- (b) a dependant is a beneficiary of part of a compensation payment made in respect of P, that part of the compensation payment is equal to, or more than, any recoverable lump sum payments which have been made to that dependant.

(3) Paragraph 1(b) applies to a case where—

- (a) the compensation payment; or
- (b) a dependant is a beneficiary of part of a compensation payment made in respect of P, and recoverable lump sum payments have been made to that dependant, the share of the compensation payment,

is less than the lump sum payments.

(4) The liability referred to in paragraph (1) arises—

- (a) immediately before the compensation payment or, if there is more than one, the first of them is made;
- (b) prior to any liability to pay the Department an amount equal to the total amount of the recoverable benefits payable under Article 8 of the Order.

(5) No amount becomes payable under this regulation before the end of the period of 14 days following the day on which the liability arises.

(6) Subject to paragraph (4), an amount becomes payable under this regulation at the end of the period of 14 days beginning with the day on which a certificate is first issued showing that the amount of recoverable lump sum payment to which it relates has been or is likely to have been paid.

(7) In the case of a lump sum payment which has been made to a dependant of P, this regulation applies only to the extent to which the compensator is making any payment—

- (a) (i) under the Fatal Accidents (Northern Ireland) Order 1977(1),
(ii) under the Fatal Accidents Act 1976(2), or
(iii) to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976(3),
to that dependant; or
- (b) in respect of P, and that dependant is an intended beneficiary of part or all of that payment.

Recovery of payment due under regulation 10

11.—(1) This regulation applies where a compensator has made a compensation payment but—

- (a) has not applied for a certificate; or
- (b) has not made a payment to the Department under regulation 10 before the end of the period allowed under that regulation.

(2) The Department may—

- (a) issue the compensator who made the compensation payment with a certificate, if none has been issued; or
- (b) issue that compensator with a copy of the certificate or (if more than one has been issued) the most recent one,

and (in either case) issue that compensator with a demand that payment of any amount due under regulation 10 be made immediately.

(3) The Department may, in accordance with paragraph (4), recover the amount for which a demand for payment is made under paragraph (2) from the compensator who made the compensation payment.

(4) Any amount recoverable under paragraph (3) is, if the county court so orders, enforceable as if it were payable under an order of that court.

(5) A document bearing a certificate which—

- (a) is signed by a person authorised to do so by the Department; and
- (b) states that the document, apart from the certificate, is a record of the amount recoverable under paragraph (3),

is conclusive evidence that that amount is so recoverable.

(6) A certificate under paragraph (5) purporting to be signed by a person authorised to do so by the Department is to be treated as so signed unless the contrary is proved.

(1) [S.I. 1977/1251 \(N.I. 18\)](#)

(2) [1976 c. 30](#)

(3) [1976 c. 13](#); section 1 was amended by section 14(1) of the Administration of Justice Act [1982 \(c. 53\)](#), section 3(6) of, and paragraph 2 of Schedule 1 to, the International Transport Conventions Act [1983 \(c. 14\)](#) and section 1 of the Damages (Scotland) Act [1993 \(c. 5\)](#)