



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART IV

#### RECOVERY FROM COMPENSATION PAYMENTS

##### *Administration and adjudication*

#### **100 Recovery of relevant payment in cases of default**

- (1) This section applies in any case where the compensator has made a compensation payment but—
- (a) has not requested a certificate of total benefit in respect of the victim, or
  - (b) if he has done so, has not made the relevant payment within the time limit imposed by section 83 above.
- (2) Where this section applies, the Secretary of State may—
- (a) if no certificate of total benefit has been issued to the compensator, issue to him such a certificate and a demand for the relevant payment to be made forthwith, or
  - (b) if a certificate of total benefit has been issued to the compensator, issue to him a copy of that certificate and such a demand,
- and the amount so certified shall, to the extent that it does not exceed the amount of the compensation payment, be recoverable by the Secretary of State from the compensator.
- (3) Any amount recoverable under this section shall—
- (a) if the compensator resides or carries on business in England and Wales and a county court so orders, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court; or
  - (b) if the compensator resides or carries on business in Scotland, be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Secretary of State, and
  - (b) states that the document, apart from the certificate, is a record of the amount recoverable under this section,
- shall be conclusive evidence that that amount is so recoverable; and a certificate purporting to be signed as aforesaid shall be deemed to be so signed unless the contrary is proved.
- (5) Where this section applies in relation to two or more connected compensators, the Secretary of State may proceed against them as if they were jointly and severally liable for an amount equal to the difference between—
- (a) the total benefit determined in accordance with the latest connected certificate of total benefit issued to any of them, and
  - (b) the aggregate amount of any connected relevant payments previously made.
- (6) Nothing in subsection (5) above authorises the recovery from any person of an amount in excess of the compensation payment by virtue of which this section applies to him (or, if there are two or more such payments which are connected, the aggregate amount of those payments).
- (7) In subsections (5) and (6) above, “connected” means relating to the same victim and the same accident, injury or disease.