



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

Certificates of recoverable benefits

4 Applications for certificates of recoverable benefits.

- (1) Before a person (“the compensator”) makes a compensation payment he must apply to the Secretary of State for a certificate of recoverable benefits.
- (2) Where the compensator applies for a certificate of recoverable benefits, the Secretary of State must—
 - (a) send to him a written acknowledgement of receipt of his application, and
 - (b) subject to subsection (7), issue the certificate before the end of the following period.
- (3) The period is—
 - (a) the prescribed period, or
 - (b) if there is no prescribed period, the period of four weeks,which begins with the day following the day on which the application is received.
- (4) The certificate is to remain in force until the date specified in it for that purpose.
- (5) The compensator may apply for fresh certificates from time to time.
- (6) Where a certificate of recoverable benefits ceases to be in force, the Secretary of State may issue a fresh certificate without an application for one being made.
- (7) Where the compensator applies for a fresh certificate while a certificate (“the existing certificate”) remains in force, the Secretary of State must issue the fresh certificate before the end of the following period.
- (8) The period is—
 - (a) the prescribed period, or
 - (b) if there is no prescribed period, the period of four weeks,

Changes to legislation: There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, Cross Heading: Certificates of recoverable benefits. (See end of Document for details)

which begins with the day following the day on which the existing certificate ceases to be in force.

- (9) For the purposes of this Act, regulations may provide for the day on which an application for a certificate of recoverable benefits is to be treated as received.

Commencement Information

- II** S. 4 wholly in force at 6.10.1997; s. 4 not in force at Royal Assent, see s. 34(2); s. 4(9) in force for specified purposes at 3.9.1997 by [S.I. 1997/2085, art. 2\(1\)](#); s. 4 in force at 6.10.1997 insofar as not already in force by [S.I. 1997/2085, art. 2\(2\)](#)

5 Information contained in certificates.

- (1) A certificate of recoverable benefits must specify, for each recoverable benefit—
- (a) the amount which has been or is likely to have been paid on or before a specified date, and
 - (b) if the benefit is paid or likely to be paid after the specified date, the rate and period for which, and the intervals at which, it is or is likely to be so paid.
- (2) In a case where the relevant period has ended before the day on which the Secretary of State receives the application for the certificate, the date specified in the certificate for the purposes of subsection (1) must be the day on which the relevant period ended.
- (3) In any other case, the date specified for those purposes must not be earlier than the day on which the Secretary of State received the application.
- (4) The Secretary of State may estimate, in such manner as he thinks fit, any of the amounts, rates or periods specified in the certificate.
- (5) Where the Secretary of State issues a certificate of recoverable benefits, he must provide the information contained in the certificate to—
- (a) the person who appears to him to be the injured person, or
 - (b) any person who he thinks will receive a compensation payment in respect of the injured person.
- (6) A person to whom a certificate of recoverable benefits is issued or who is provided with information under subsection (5) is entitled to particulars of the manner in which any amount, rate or period specified in the certificate has been determined, if he applies to the Secretary of State for those particulars.

Changes to legislation:

There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, Cross Heading: Certificates of recoverable benefits.