



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

Liability of person paying compensation

6 Liability to pay Secretary of State amount of benefits.

- (1) A person who makes a compensation payment in any case is liable to pay to the Secretary of State an amount equal to the total amount of the recoverable benefits.
- (2) The liability referred to in subsection (1) arises immediately before the compensation payment or, if there is more than one, the first of them is made.
- (3) No amount becomes payable under this section before the end of the period of 14 days following the day on which the liability arises.
- (4) Subject to subsection (3), an amount becomes payable under this section at the end of the period of 14 days beginning with the day on which a certificate of recoverable benefits is first issued showing that the amount of recoverable benefit to which it relates has been or is likely to have been paid before a specified date.

7 Recovery of payments due under section 6.

- (1) This section applies where a person has made a compensation payment but—
 - (a) has not applied for a certificate of recoverable benefits, or
 - (b) has not made a payment to the Secretary of State under section 6 before the end of the period allowed under that section.
- (2) The Secretary of State may—
 - (a) issue the person who made the compensation payment with a certificate of recoverable benefits, if none has been issued, or
 - (b) issue him with a copy of the certificate of recoverable benefits or (if more than one has been issued) the most recent one,

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and (in either case) issue him with a demand that payment of any amount due under section 6 be made immediately.

- (3) The Secretary of State may, in accordance with subsections (4) and (5), recover the amount for which a demand for payment is made under subsection (2) from the person who made the compensation payment.
- (4) If the person who made the compensation payment resides or carries on business in England and Wales and [^{F1}the county court] so orders, any amount recoverable under subsection (3) is recoverable [^{F2}under section 85 of the County Courts Act 1984] or otherwise as if it were payable under an order of that court.
- (5) If the person who made the payment resides or carries on business in Scotland, any amount recoverable under subsection (3) may 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.
- (6) A document bearing a certificate which—
 - (a) is signed by a person authorised to do so by the Secretary of State, and
 - (b) states that the document, apart from the certificate, is a record of the amount recoverable under subsection (3),is conclusive evidence that that amount is so recoverable.
- (7) A certificate under subsection (6) purporting to be signed by a person authorised to do so by the Secretary of State is to be treated as so signed unless the contrary is proved.

Textual Amendments

- F1** Words in s. 7(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s. 7(4) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 127](#) (with s. 89); S.I. 2014/768, [art. 2\(1\)\(b\)](#)

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