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## STATUTORY INSTRUMENTS

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# 1997 No. 1183

## The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997

### *Reviews and appeals*

#### **Appeals against certificates of recoverable benefits**

**13.—**(1) An appeal against a certificate of recoverable benefits may be made on the ground—

- (a) that any amount, rate or period specified in the certificate is incorrect,<sup>F1</sup> or
- (b) that listed benefits which have been, or are likely to be, paid otherwise than in respect of the accident, injury or disease in question have been brought into account.

<sup>F2</sup>(2) An appeal under this Article may be made by—

- (a) the person who applied for the certificate of recoverable benefits,<sup>F1</sup> or
- <sup>F3</sup>(b) (in a case where the amount of the compensation payment has been calculated under Article 10<sup>F4</sup> or 10A) the injured person or other person to whom the payment is made,

<sup>F5</sup>but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this Article.]

<sup>F6</sup>(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this Article only if the Department has reviewed the certificate under Article 12.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the review by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the review by the Department satisfied any other condition specified in the regulations.]

(3) No appeal may be made under this Article until—

- (a) the claim giving rise to the compensation payment has been finally disposed of, and
- (b) the liability under Article 8 has been discharged.

(4) For the purposes of paragraph (3)(a), if an award of damages in respect of a claim has been made under or by virtue of paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982, (orders for provisional damages in personal injury cases), the claim is to be treated as having been finally disposed of.

(5) Regulations may make provision—

- (a) as to the manner in which, and the time within which, appeals under this Article may be made,
- (b) as to the procedure to be followed where such an appeal is made, and

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**Changes to legislation:** The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997, Section 13 is up to date with all changes known to be in force on or before 24 August 2023. 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. (See end of Document for details) [View outstanding changes](#)

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- (c) for the purpose of enabling any such appeal [<sup>F7</sup>(or, where in accordance with regulations under paragraph (2A) there is no right of appeal, any purported appeal)] to be treated as an application for review under Article 12.

<sup>F1</sup>(6) Regulations under paragraph (5)(c) may (among other things) provide that the circumstances in which a review may be carried out are not to be restricted to those specified in Article 12(1).

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| <b>F1</b> | prosp. in pt. rep. by <a href="#">1998 NI 10</a>   |
| <b>F2</b> | prosp. in pt. added by <a href="#">1998 NI 10</a>  |
| <b>F3</b> | prosp. in pt. inserted by <a href="#">1998 NI 10</a>   |
| <b>F4</b> | Words in art. 13(2)(b) inserted (31.3.2014) by <a href="#">Mesothelioma Act 2014 (c. 1)</a> , s. 19(1), <b>Sch. 1 para. 16</b> ; <a href="#">S.I. 2014/459</a> , art. 3(c)   |
| <b>F5</b> | Words in art. 13(2) inserted (31.3.2014) by <a href="#">Mesothelioma Act 2014 (c. 1)</a> , s. 19(1), <b>Sch. 1 para. 14</b> ; <a href="#">S.I. 2014/459</a> , art. 3(c)  |
| <b>F6</b> | Art. 13(2A)(2B) inserted (17.3.2016 with effect as mentioned in art. 107(7)-(9) of the amending Order) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)</a> , art. 2(2), <b>Sch. 11 para. 7(2)</b> ; <a href="#">S.R. 2016/166</a> , art. 2(b) |
| <b>F7</b> | Words in art. 13(5)(c) inserted (17.3.2016) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)</a> , art. 2(2), <b>Sch. 11 para. 7(3)</b> ; <a href="#">S.R. 2016/166</a> , art. 2(b)  |

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**Changes and effects yet to be applied to :**

- power to am. (prosp.) by [1998 c. 47 s.87](#)