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STATUTORY INSTRUMENTS

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**1997 No. 1183**

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

*Introductory*

**Cases in which this Order applies**

3.—(1) This Order applies in cases where—

- (a) a person makes a payment (whether on his own behalf or not) to or in respect of any other person in consequence of any accident, injury or disease suffered by the other, and
- (b) any listed benefits have been, or are likely to be, paid to or for the other during the relevant period in respect of the accident, injury or disease.

(2) The reference in paragraph (1)(a) to a payment in consequence of any accident, injury or disease is to a payment made—

- (a) by or on behalf of a person who is, or is alleged to be, liable to any extent in respect of the accident, injury or disease, or
- (b) in pursuance of a compensation scheme for motor accidents,

but does not include a payment mentioned in Part I of Schedule 1.

(3) Paragraph (1)(a) applies to a payment made—

- (a) voluntarily, or in pursuance of a court order or an agreement, or otherwise, and
- (b) in the United Kingdom or elsewhere.

(4) In a case where this Order applies—

- (a) the “injured person” is the person who suffered the accident, injury or disease,
- (b) the “compensation payment” is the payment within paragraph (1)(a), and
- (c) “recoverable benefit” is any listed benefit which has been or is likely to be paid as mentioned in paragraph (1)(b).

**Compensation payments to which this Order applies**

4. This Order applies in relation to compensation payments made on or after the day on which this Article comes into operation, unless they are made in pursuance of a court order or agreement made before that day.

**“The relevant period”**

5.—(1) In relation to a person (“the claimant”) who has suffered any accident, injury or disease, “the relevant period” has the meaning given by the following paragraphs.

(2) Subject to paragraph (4), if it is a case of accident or injury, the relevant period is the period of five years from the day on which the accident or injury in question occurred.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) Subject to paragraph (4), if it is a case of disease, the relevant period is the period of five years beginning with (and including) the date on which the claimant first claims a listed benefit in consequence of the disease.

(4) If at any time before the end of the period referred to in paragraph (2) or (3)

(a) a person makes a compensation payment in final discharge of any claim made by or in respect of the claimant and arising out of the accident, injury or disease, or

(b) an agreement is made under which an earlier compensation payment is treated as having been made in final discharge of any such claim,

the relevant period ends at that time.