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STATUTORY INSTRUMENTS

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**1997 No. 1183**

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

*Reduction of compensation payment*

**Reduction of compensation payment**

**10.**—(1) This Article applies in a case where, in relation to any head of compensation listed in column (1) of Schedule 2—

- (a) any of the compensation payment is attributable to that head, and
- (b) any recoverable benefit is shown against that head in column (2) of that Schedule.

(2) In such a case, any claim of a person to receive the compensation payment is to be treated for all purposes as discharged if—

- (a) he is paid the amount (if any) of the compensation payment calculated in accordance with this Article, and
- (b) if the amount of the compensation payment so calculated is nil, he is given a statement saying so by the person who (apart from this Article) would have paid the gross amount of the compensation payment.

(3) For each head of compensation listed in column (1) of Schedule 2 for which sub-paragraphs (a) and (b) of paragraph (1) are met, so much of the gross amount of the compensation payment as is attributable to that head is to be reduced (to nil, if necessary) by deducting the amount of the recoverable benefit or, as the case may be, the aggregate amount of the recoverable benefits shown against it.

(4) Paragraph (3) is to have effect as if a requirement to reduce a payment by deducting an amount which exceeds that payment were a requirement to reduce that payment to nil.

(5) The amount of the compensation payment calculated in accordance with this Article is—

- (a) the gross amount of the compensation payment,
- less
- (b) the sum of the reductions made under paragraph (3),
- (and, accordingly, the amount may be nil).

**[F1] Reduction of payment under Diffuse Mesothelioma Payment Scheme**

**10A.**—(1) This Article applies instead of Article 10 in a case where the compensation payment is a payment under the Diffuse Mesothelioma Payment Scheme.

(2) The gross amount of the compensation payment—

- (a) is to be reduced by the amount of the recoverable benefit, and
- (b) accordingly, is to be reduced to nil in any case where the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment.

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**Changes to legislation:** *The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997, Cross Heading: Reduction of compensation payment 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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(3) Any claim of a person to receive the compensation payment is to be treated for all purposes as discharged if—

- (a) the person is paid the gross amount of the compensation payment less the amount of the recoverable benefit, or
- (b) the amount of the recoverable benefit is equal to or greater than the gross amount of the compensation payment and the person is given a statement by the scheme administrator saying that the compensation payment has been reduced to nil.]

**F1** Art. 10A inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 12; S.I. 2014/459, art. 3(c)

### Article 10: supplementary

**11.**—(1) A person who makes a compensation payment calculated in accordance with Article 10<sup>[F2 or 10A]</sup> shall inform the person to whom the payment is made—

- (a) that the payment has been so calculated, and
- (b) of the date for payment by reference to which the calculation has been made.

(2) If the amount of a compensation payment calculated in accordance with Article 10<sup>[F3 or 10A]</sup> is nil, a person giving a statement saying so is to be treated for the purposes of this Order as making a payment within Article 3(1)(a) on the day on which he gives the statement.

(3) Where a person—

- (a) makes a compensation payment calculated in accordance with Article 10<sup>[F4 or 10A]</sup>, and
  - (b) if the amount of the compensation payment so calculated is nil, gives a statement saying so,
- he is to be treated, for the purpose of determining any rights and liabilities in respect of contribution or indemnity, as having paid the gross amount of the compensation payment.

(4) For the purposes of this Order—

- (a) the gross amount of the compensation payment is the amount of the compensation payment apart from Article 10<sup>[F5 or 10A]</sup>, and
- (b) the amount of any recoverable benefit is the amount determined in accordance with the certificate of recoverable benefits.

**F2** Words in art. 11(1) inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 16; S.I. 2014/459, art. 3(c)

**F3** Words in art. 11(2) inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 16; S.I. 2014/459, art. 3(c)

**F4** Words in art. 11(3)(a) inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 16; S.I. 2014/459, art. 3(c)

**F5** Words in art. 11(4)(a) inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), Sch. 1 para. 16; S.I. 2014/459, art. 3(c)

**Changes to legislation:**

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997, Cross Heading: Reduction of compensation payment 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.

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

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