



Superannuation (Miscellaneous Provisions) Act 1967

1967 CHAPTER 28

8 Recovery in certain circumstances of payments by way of superannuation benefits under National Health Service Acts.

- (1) If regulations under section 67(1) of the National Health Service Act 1946 require the Minister of Health (hereafter in this section referred to as " the Minister ") to take into account, as against any sums otherwise payable under the regulations, the amount, or such amount, if any, as he considers reasonable, of any damages in respect of the injury, disease or death in consequence of which payments are made under the regulations, being damages which he is satisfied have been or will be recovered by or on behalf of the recipient of those payments, and any of those payments are made before the right to or amount of such damages is finally determined, then if and when a right to and the amount of such damages is finally determined the Minister shall have the right to recover from the recipient an amount not exceeding—
 - (a) where the amount of the payments made by the Minister is less than the net amount of the damages, the amount of those payments;
 - (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.
- (2) So far as any amount recoverable under this section represents a payment made by the Minister from which income tax has been deducted before the payment, the proper allowance shall be made in respect of the amount so deducted, and in this section the expression " the net amount of the damages " means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.
- (3) No proceedings shall be brought to recover any amount under this section—
 - (a) after the death of the recipient of the payments ; or
 - (b) after the expiration of two years from the date on which a right to and the amount of the damages is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from

Status: This is the original version (as it was originally enacted).

the date on which that final determination first came to the knowledge of the Minister, whichever date is the later.

- (4) A certificate issued by the Minister and stating the date on which the final determination of a right to and of the amount of any damages first came to his knowledge shall be admissible in any proceedings as sufficient evidence of that date.
- (5) The provisions of this section are without prejudice to any right of the Minister under any such regulations as aforesaid to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of payments under the regulations.
- (6) This section shall apply to Scotland with the substitution for references to the Minister of references to the Secretary of State and for the reference to section 67(1) of the said Act of 1946 of a reference to section 66(1) of the National Health Service (Scotland) Act 1947.