



Social Security (Recovery of Benefits) Act 1997

1997 CHAPTER 27

Miscellaneous

20 Amounts overpaid under section 6

- (1) Regulations may make provision (including provision modifying this Act) for cases where a person has paid to the Secretary of State under section 6 any amount (“the amount of the overpayment”) which he was not liable to pay.
- (2) The regulations may provide—
 - (a) for the Secretary of State to pay the amount of the overpayment to that person, or to the person to whom the compensation payment is made, or partly to one and partly to the other, or
 - (b) for the receipt by the Secretary of State of the amount of the overpayment to be treated as the recovery of that amount.
- (3) Regulations made by virtue of subsection (2)(b) are to have effect in spite of anything in section 71 of the Social Security Administration Act 1992 (overpayments—general).
- (4) The regulations may also (among other things) provide—
 - (a) for the re-calculation in accordance with section 8 of the amount of any compensation payment,
 - (b) for giving credit for amounts already paid, and
 - (c) for the payment by any person of any balance or the recovery from any person of any excess.
- (5) This section does not apply in a case where section 14 applies.

21 Compensation payments to be disregarded

- (1) If, when a compensation payment is made, the first and second conditions are met, the payment is to be disregarded for the purposes of sections 6 and 8.
- (2) The first condition is that the person making the payment—
 - (a) has made an application for a certificate of recoverable benefits which complies with subsection (3), and
 - (b) has in his possession a written acknowledgment of the receipt of his application.
- (3) An application complies with this subsection if it—
 - (a) accurately states the prescribed particulars relating to the injured person and the accident, injury or disease in question, and
 - (b) specifies the name and address of the person to whom the certificate is to be sent.
- (4) The second condition is that the Secretary of State has not sent the certificate to the person, at the address, specified in the application, before the end of the period allowed under section 4.
- (5) In any case where—
 - (a) by virtue of subsection (1), a compensation payment is disregarded for the purposes of sections 6 and 8, but
 - (b) the person who made the compensation payment nevertheless makes a payment to the Secretary of State for which (but for subsection (1)) he would be liable under section 6,subsection (1) is to cease to apply in relation to the compensation payment.
- (6) If, in the opinion of the Secretary of State, circumstances have arisen which adversely affect normal methods of communication—
 - (a) he may by order provide that subsection (1) is not to apply during a specified period not exceeding three months, and
 - (b) he may continue any such order in force for further periods not exceeding three months at a time.

22 Liability of insurers

- (1) If a compensation payment is made in a case where—
 - (a) a person is liable to any extent in respect of the accident, injury or disease, and
 - (b) the liability is covered to any extent by a policy of insurance,the policy is also to be treated as covering any liability of that person under section 6.
- (2) Liability imposed on the insurer by subsection (1) cannot be excluded or restricted.
- (3) For that purpose excluding or restricting liability includes—
 - (a) making the liability or its enforcement subject to restrictive or onerous conditions,
 - (b) excluding or restricting any right or remedy in respect of the liability, or subjecting a person to any prejudice in consequence of his pursuing any such right or remedy, or
 - (c) excluding or restricting rules of evidence or procedure.

- (4) Regulations may in prescribed cases limit the amount of the liability imposed on the insurer by subsection (1).
- (5) This section applies to policies of insurance issued before (as well as those issued after) its coming into force.
- (6) References in this section to policies of insurance and their issue include references to contracts of insurance and their making.

23 Provision of information

- (1) Where compensation is sought in respect of any accident, injury or disease suffered by any person (“the injured person”), the following persons must give the Secretary of State the prescribed information about the injured person—
 - (a) anyone who is, or is alleged to be, liable in respect of the accident, injury or disease, and
 - (b) anyone acting on behalf of such a person.
- (2) A person who receives or claims a listed benefit which is or is likely to be paid in respect of an accident, injury or disease suffered by him, must give the Secretary of State the prescribed information about the accident, injury or disease.
- (3) Where a person who has received a listed benefit dies, the duty in subsection (2) is imposed on his personal representative.
- (4) Any person who makes a payment (whether on his own behalf or not)—
 - (a) in consequence of, or
 - (b) which is referable to any costs (in Scotland, expenses) incurred by reason of, any accident, injury or disease, or any damage to property, must, if the Secretary of State requests him in writing to do so, give the Secretary of State such particulars relating to the size and composition of the payment as are specified in the request.
- (5) The employer of a person who suffers or has suffered an accident, injury or disease, and anyone who has been the employer of such a person at any time during the relevant period, must give the Secretary of State the prescribed information about the payment of statutory sick pay in respect of that person.
- (6) In subsection (5) “employer” has the same meaning as it has in Part XI of the Social Security Contributions and Benefits Act 1992.
- (7) A person who is required to give information under this section must do so in the prescribed manner, at the prescribed place and within the prescribed time.
- (8) Section 1 does not apply in relation to this section.

24 Power to amend Schedule 2

- (1) The Secretary of State may by regulations amend Schedule 2.
- (2) A statutory instrument which contains such regulations shall not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.