

## SCHEDULES

### SCHEDULE 4

#### RECOVERY OF SUMS EQUIVALENT TO BENEFIT FROM COMPENSATION PAYMENTS IN RESPECT OF ACCIDENTS ETC: SUPPLEMENTARY PROVISION

#### PART II

#### PAYMENTS, DEDUCTIONS AND CERTIFICATES

##### *Payments into court*

- 12 (1) Nothing in the recoupment provisions requires a court to make any relevant deduction or payment in connection with money in court.
- (2) Where a party to an action makes a payment into court which, had it been paid directly to the other party, would have constituted a compensation payment, the making of that payment shall be regarded for the purposes of the recoupment provisions as the making of a compensation payment, but the compensator—
- (a) may either—
    - (i) withhold from such a payment into court an amount equal to the relevant deduction; or
    - (ii) make such a payment into court before the certificate of total benefit has been issued to him; and
  - (b) shall not become liable to make the relevant payment, or to furnish a certificate of deduction, until he has been notified that the payment into court has been paid out of court to or for the other party.
- (3) Where a person making a payment into court withholds an amount in accordance with sub-paragraph (2)(a)(i) above—
- (a) he shall, at the time when he makes that payment, furnish the court with a certificate of the amount so withheld; and
  - (b) the amount paid into court shall be regarded as increased by the amount so certified;
- but no person shall be entitled by virtue of this sub-paragraph to the payment out of court of any amount which has not in fact been paid into court.
- (4) Where a payment into court is made as mentioned in sub-paragraph (2)(a)(ii) above, the compensator—
- (a) shall apply for the certificate of total benefit no later than the day on which the payment into court is made; and
  - (b) shall become liable to make the relevant payment as mentioned in sub-paragraph (2)(b) above, notwithstanding that the relevant deduction has not been made.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where any such payment into court as is mentioned in sub-paragraph (2) above is paid out of court to or for the other party to the action within the initial period, then, as respects the compensator in question, the relevant period shall be taken to have ended on the day on which the payment into court was made.
- (6) In sub-paragraph (5) above “the initial period” means the period of 21 days following the making of the payment into court, but rules of court may make provision varying the length of that period.
- (7) Rules of court may make provision regulating or prescribing the practice and procedure to be followed in relation to such payments into court as are mentioned in sub-paragraph (2) above.
- (8) This paragraph does not extend to Scotland.