



# Social Security (Recovery of Benefits) Act 1997

## 1997 CHAPTER 27

### *Reviews and appeals*

#### **11 Appeals against certificates of recoverable benefits.**

- (1) An appeal against a certificate of recoverable benefits may be made on the ground—
- (a) that any amount, rate or period specified in the certificate is incorrect, or
  - (b) that listed benefits which have been, or are likely to be, paid otherwise than in respect of the accident, injury or disease in question have been brought into account [<sup>F1</sup>or.
  - (c) that listed benefits which have not been, and are not likely to be, paid to the injured person during the relevant period have been brought into account, or
  - (d) that the payment on the basis of which the certificate was issued is not a payment within section 1(1)(a)]
- (2) An appeal under this section may be made by—
- (a) the person who applied for the certificate of recoverable benefits, or
  - [<sup>F2</sup>(aa) (in a case where that certificate was issued under section 7(2)(a)) the person to whom it was so issued, or]
  - (b) (in a case where the amount of the compensation payment has been calculated under section 8 [<sup>F3</sup>or 8A]) the injured person or other person to whom the payment is made.

[<sup>F4</sup>but the scheme administrator of the Diffuse Mesothelioma Payment Scheme may not appeal under this section.]

[<sup>F5</sup>(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this section only if the Secretary of State has reviewed the certificate under section 10.]

[<sup>F5</sup>(2B) The regulations may in particular provide that that condition is met only where—

- (a) the review by the Secretary of State was on an application,

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- (b) the Secretary of State considered issues of a specified description, or  
(c) the review by the Secretary of State satisfied any other condition specified in the regulations.]
- (3) No appeal may be made under this section until—  
(a) the claim giving rise to the compensation payment has been finally disposed of, and  
(b) the liability under section 6 has been discharged.
- (4) For the purposes of subsection (3)(a), if an award of damages in respect of a claim has been made under or by virtue of—  
(a) section 32A(2)(a) of the <sup>M1</sup>[<sup>F6</sup>Senior Courts Act 1981],  
(b) section 12(2)(a) of the <sup>M2</sup>Administration of Justice Act 1982, or  
(c) section 51(2)(a) of the <sup>M3</sup>County Courts Act 1984,  
(orders for provisional damages in personal injury cases), the claim is to be treated as having been finally disposed of.
- (5) Regulations may make provision—  
(a) as to the manner in which, and the time within which, appeals under this section may be made,  
<sup>F7</sup>(b) .....  
(c) for the purpose of enabling any such appeal [<sup>F8</sup>(or, where in accordance with regulations under subsection (2A) there is no right of appeal, any purported appeal)] to be treated as an application for review under section 10.
- <sup>F9</sup>(6) .....

#### Textual Amendments

- F1** s. 11(1)(c)(d)and preceding word inserted (29.11.1999) by 1998 c. 14, ss. 86(1), **Sch. 7 para. 150(1)**; S.I. 1999/3178, art. 2(1)(a), **Sch. 1** (subject to transitional provisions in Schs. 21-23)
- F2** S. 11(2)(aa) inserted (29.11.1999) in s. 11 by 1998 c. 14, ss. 86(1), **Sch. 7 para. 150(2)**; S.I. 1999/3178, art. 2(1)(a), **Sch. 1** (subject to transitional provisions in Schs. 21-23)
- F3** Words in s. 11(2)(b) inserted (31.3.2014) by **Mesothelioma Act 2014 (c. 1)**, s. 19(1), **Sch. 1 para. 8**; S.I. 2014/459, art. 3(c)
- F4** Words in s. 11(2) inserted (31.3.2014) by **Mesothelioma Act 2014 (c. 1)**, s. 19(1), **Sch. 1 para. 5**; S.I. 2014/459, art. 3(c)
- F5** S. 11(2A)(2B) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by **Welfare Reform Act 2012 (c. 5)**, s. 150(3), **Sch. 11 para. 10(2)** (with s. 102(7)-(9)); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8
- F6** Words in Blanket Amendment substituted (1.10.2009) by **Constitutional Reform Act 2005 (c. 4)**, s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)
- F7** S. 11(5)(b) omitted (3.11.2008) by virtue of **The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833)**, art. 1(1), **Sch. 3 para. 139**
- F8** Words in s. 11(5)(c) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by **Welfare Reform Act 2012 (c. 5)**, s. 150(3), **Sch. 11 para. 10(3)**; S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8
- F9** S. 11(6) repealed (29.11.1999) by 1998 c. 14, ss. 86(1)(2), Sch. 7 para. 150(3), **Sch. 8**; S.I. 1999/3178, art. 2(1)(a), **Sch. 1** (subject to transitional provisions in Schs. 21-23)

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**Changes to legislation:** There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, Section 11. (See end of Document for details)

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**Modifications etc. (not altering text)**

**C1** Ss. 10-14 applied (with modifications) (1.10.2008) by [Social Security \(Recovery of Benefits\) \(Lump Sum Payments\) Regulations 2008 \(S.I. 2008/1596\)](#), regs. 1(1), 2, **Sch. 1** (with reg. 6)

**Commencement Information**

**I1** S. 11 wholly in force at 6.10.1997; s. 11 not in force at Royal Assent see s. 34(2); s. 11(5)(6) in force at 3.9.1997 for specified purposes by [S.I. 1997/2085](#), **art. 2(1)**; s. 11 in force at 6.10.1997 insofar as not already in force by [S.I. 1997/2085](#), **art. 2(2)**

**Marginal Citations**

**M1** 1981 c. 54.

**M2** 1982 c. 53.

**M3** 1984 c. 28.

**Changes to legislation:**

There are currently no known outstanding effects for the Social Security (Recovery of Benefits) Act 1997, Section 11.