



STATUTORY INSTRUMENTS.

S.I. No. 332 of 2014

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 2) (RECOVERY OF CERTAIN
BENEFITS AND ASSISTANCE) REGULATIONS 2014

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 2) (RECOVERY OF CERTAIN
BENEFITS AND ASSISTANCE) REGULATIONS 2014

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)) and 343P (inserted by section 13 of the Social Welfare and Pensions Act 2013 (No. 38 of 2013)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby make the following Regulations:

Citation and construction

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2014 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2014.

Commencement

2. These Regulations come into operation on 1 August 2014.

Recovery of certain benefits and assistance

3. The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) are amended by inserting the following Part after Part 9:

“PART 9A

RECOVERY OF CERTAIN BENEFITS AND ASSISTANCE

Definitions

249A. In this Part—

‘Board’ has the meaning given to it in section 343L;

‘compensator’ has the meaning given to it in section 343L;

‘injured person’ has the meaning given to it in section 343L;

‘personal injury’ has the meaning given to it in section 343L;

‘recoverable benefits’ has the meaning given to it in section 343L;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 18th July, 2014.*

‘statement of recoverable benefits’ has the meaning given to it in section 343L.

Application for statement of recoverable benefits

249B. An application by a compensator or the Board for a statement of recoverable benefits under section 343P shall be made to the Minister—

- (a) in the form for the time being approved by the Minister, or
- (b) in such other manner as the Minister may accept as sufficient in the circumstances,

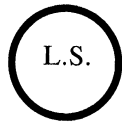
and such form or manner may include an application made by electronic means or in electronic form.

Information to be given when making application for statement of recoverable benefits

249C. For the purposes of an application for a statement of recoverable benefits under section 343P, a compensator or the Board, as appropriate, shall provide to the Minister—

- (a) the following information relating to the identity of the injured person and benefits received by that person—
 - (i) the name of the injured person,
 - (ii) the date of birth of the injured person,
 - (iii) the address of the injured person,
 - (iv) details of the personal injury sustained by the injured person, and
 - (v) the date of occurrence of the personal injury sustained by the injured person,
- (b) the following information relating to the identity of the compensator—
 - (i) the name of the compensator, and
 - (ii) the address of the compensator,
- (c) where an agent or legal representative is acting on behalf of a compensator, the following information relating to the identity of that agent or legal representative—
 - (i) the name of the agent or legal representative, as appropriate, and
 - (ii) the address of the agent or legal representative, as appropriate,

- (d) where a compensator or the agent or legal representative of a compensator has assigned a case manager to deal with a claim for compensation by an injured person, the following information relating to the identity of that case manager—
 - (i) the name of the case manager,
 - (ii) the address of the case manager, and
 - (iii) contact details for the case manager, including telephone number and electronic mailing address,
- (e) where an application for a statement of recoverable benefits under section 343P is made by a person other than a person mentioned in paragraph (b), (c) or (d), the name of the person who makes such application, and
- (f) the reference number assigned to the case by the compensator or Board.”.



GIVEN under my Official Seal,
16 July 2014.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Sections 13 and 14 of the Social Welfare and Pensions Act 2013 provide for the recovery of the value of certain illness-related social welfare payments from compensation awards made to persons as a consequence of personal injuries claims and for consequential amendments to the Personal Injuries Assessment Board Act 2003.

These provisions are being brought into operation with effect from 1 August 2014 by the Social Welfare and Pensions Act 2013 (Sections 13 and 14) (Commencement) Order 2014 (S.I. No. 308 of 2014).

Under the new recovery of benefits arrangements, compensators in personal injury cases must apply to the Minister for Social Protection for a statement of recoverable benefits before making any payment of compensation to the injured person. Where there are recoverable benefits, the compensator is, in general, obliged to pay to the Minister the amount of the recoverable benefits before making any compensation payments.

These Regulations prescribe the information to be provided by compensators when applying for a statement of recoverable benefits for the purposes of identifying—

- the injured person, and
- the social welfare benefits that may have been paid to that person.

These Regulations also prescribe the manner in which an application for a statement of recoverable benefits is to be made.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (b30719). 285. 7/14. Clondalkin. Gr 30-15.