

Social Security (Amendment) (Scotland) Bill

Additional information provided by the Forum of Insurance Lawyers

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On behalf of the Forum of Insurance Lawyers, I submit that the power set out under section 94(U)(1) is unnecessary, as the powers set out already exist under s111 of the Social Security Administration Act 1992.

If further comment would be helpful to the Committee, it would be useful from FOIL's perspective to understand why the power is sought, given the wording of S111 of the 1992 Act. In FOIL's experience, once an extra-judicial settlement is agreed and paid, the compensator (insurer) will arrange payment of recoverable benefits due, subject to the outcome of any mandatory reconsideration, or appeal of the certificate. Where a mandatory reconsideration takes place, the compensator pays the full amount due and the DWP refunds the compensator where the outcome is that some or all of the benefits have been paid other than in respect of the accident. As such, the process does not slow down or hinder the recovery process.

It would be helpful and illustrative to understand the purpose and aim of any CRU "investigation" in these circumstances, as the compensator is simply required to make payment of benefits, if deemed recoverable by CRU.

I hope that assists the Committee.