
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2017 No.

The Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017

Recovery of overpayment: deduction from benefits

11.—(1) The Department may, in the case of a person from whom an amount is recoverable under regulation 8, recover the outstanding amount (subject to regulation 9(1)(b)) by making deductions from such amounts as are payable by way of relevant benefit in that person’s case.

(2) Each of the benefits listed in Schedule 1 is a “relevant benefit”.

(3) In the case of a relevant benefit which is income-related, a deduction under this regulation may, for any week for which the benefit is payable in that person’s case, be made at a rate of not more than 3 times 5% of the relevant personal allowance (see paragraph (6)).

(4) In the case of a relevant benefit which is not income-related, a deduction under this regulation may, for any week for which the benefit is payable in that person’s case, be made at a rate of not more than one-third of the amount of the benefit that is applicable to that person.

(5) Each of the following relevant benefits is “income-related”—

- (a) income support;
- (b) income-based jobseeker’s allowance;
- (c) contribution-based jobseeker’s allowance, in a case where if there were no entitlement to it there would be an entitlement to income-based jobseeker’s allowance;
- (d) income-related employment and support allowance;
- (e) contribution-related employment and support allowance, in a case where if there were no entitlement to it there would be an entitlement to income-related employment and support allowance;
- (f) state pension credit.

(6) “Relevant personal allowance” means the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987(1); and where 5% of that allowance is not a multiple of 5 pence, it is to be rounded up to the next higher multiple of 5 pence.

(7) A reference to contribution-based or income-based jobseeker’s allowance is to be construed in accordance with the Jobseekers (Northern Ireland) Order 1995(2).

(8) A reference to contribution-related or income-related employment support allowance is to be construed in accordance with Part 1 of the Welfare Reform Act (Northern Ireland) 2007(3).

(1) [S.R. 1987 No. 459](#). Relevant amendments have been made by [S.R. 1990 No. 213](#), [S.R. 1996 No. 199](#), [S.R. 2007 No. 154](#) and [S.R. 2015/24](#).
(2) [1995 No. 2705 \(N.I. 15\)](#). Relevant amendments have been made by the Welfare Reform and Pensions (Northern Ireland) Order 1999 and the Civil Partnership Act 2004.
(3) [2007 c. 2](#).