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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 224**

The Social Security (Overpayments and  
Recovery) Regulations (Northern Ireland) 2016

PART 5

The process of recovery

**Restrictions on recovery of rent and consequent notifications**

**15.**—(1) Paragraph (2) applies where, pursuant to section 69ZC(2)(b) of the Administration Act, an amount of housing costs has been, or falls to be, recovered by deduction from benefit paid to a person (“the landlord”) to discharge (in whole or in part) an obligation owed to the landlord by the person on whose behalf the recoverable amount was paid (“the tenant”).

(2) Where, in respect of the overpayment of that amount, the landlord has—

- (a) been found guilty of an offence whether under statute or otherwise; or
- (b) agreed to pay a penalty under section 109A of the Administration Act (penalty as alternative to prosecution) and the agreement has not been withdrawn,

that obligation is to be taken to be discharged by the amount of the deduction.

(3) In any case to which paragraph (2) applies or will apply when recovery is made, the Department must notify both the landlord and the tenant that—

- (a) the overpayment that it has recovered or that the Department has determined to recover (“that sum”) is, or will be, one to which paragraph (2) applies; and
- (b) the landlord has no right in relation to that sum against the tenant, and that the tenant’s obligation to the landlord is to be taken to be discharged by the amount so recovered.