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SCHEDULES

SCHEDULE 7

Section 81.

SET-OFF OF OVERPAYMENTS.

- 1 (1) Where a person has received on account of benefit or a family allowance sums to which, by virtue of any provision of, or of regulations under, this Act or the Industrial Injuries Act or by virtue of section 11(6) of the Family Allowances Act, he was disentitled by reason of his being entitled by virtue of a subsequent award to other benefit or, as the case may be, to guardian's allowance under section 29 of this Act, then, except in so far as regulations otherwise provide, the decision making that subsequent award shall direct that those sums shall be treated as having been paid on account of the benefit thereby awarded.
- (2) Where on review or appeal a decision awarding a person benefit is revised, or is reversed or varied, but he retains any sums paid in pursuance of the original decision which would not have been payable if the decision on the review or appeal had been given in the first instance, then, except in so far as regulations otherwise provide, any decision awarding him other benefit or a family allowance, being a benefit or allowance to which a right to any of those sums would by virtue of any such provision as aforesaid or of the said section 11(6) have disentitled him, shall direct that that sum, up to the amount of the other benefit or allowance to which he would by his right to that sum have been so disentitled, shall be treated as having been paid on account of the other benefit or allowance.
- (3) Where a sum paid on account of any benefit or of a family allowance is by virtue of this paragraph or any other enactment to be treated as having been paid on account of other benefit or such an allowance, it shall be so treated for all purposes, including the subsequent operation in relation to it of this paragraph or any other enactment relating to benefit or family allowance overpaid.
- (4) For the purposes of this paragraph—
- (a) a person shall be treated as retaining any sum which has been received by him and not repaid, except that he shall not be treated as retaining a sum if under any other enactment a direction has been given for it to be repaid ;
 - (b) in the case of sums paid by way of benefit under this Act in respect of a child of the family of a man and his wife living together or on account of a family allowance for such a family, the man shall be treated as having received any sum which, if properly paid, would have been receivable by him, and the wife any sum which, if properly paid, would have been receivable by her.
- 2 Regulations may provide for treating benefit paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the first-mentioned person as having been properly paid for any period notwithstanding that under regulations relating to overlapping benefits it is not payable for that period by reason of a subsequent decision either—
- (a) that the said other person is himself entitled to benefit for that period ; or

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(b) that a third person is entitled to benefit for that period in respect of the said other person in priority to the first-mentioned person,
and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.

3 In this Schedule, the expression " benefit" means benefit either under this Act or under the Industrial Injuries Act; and in paragraph 1 of this Schedule any reference to a decision awarding benefit or a family allowance includes a decision making any benefit or family allowance payable at a higher rate.