



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART III

OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

Adjustments of benefits

72 Income support and other payments.

(1) Where—

- (a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount which has been paid by way of income support [F¹ or an income-based jobseeker's allowance] would not have been paid if the payment had been made on the prescribed date,

the Department shall be entitled to recover that amount from the person to whom it was paid.

(2) Where—

- (a) a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any other member State is not made on or before the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount (“the relevant amount”) has been paid by way of income support [F¹ or an income-based jobseeker's allowance] that would not have been paid if the payment mentioned in paragraph (a) above had been made on the prescribed date,

then—

- (i) in the case of a payment from public funds in the United Kingdom, the authority responsible for making it may abate it by the relevant amount; and

Status: Point in time view as at 17/07/1996. This version of this provision has been superseded.

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 72 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(ii) in the case of any other payment, the Department shall be entitled to receive the relevant amount out of the payment.

(3) Where—

- (a) a person (in this subsection referred to as A) is entitled to any prescribed benefit for any period in respect of another person (in this subsection referred to as B); and
- (b) either—
 - (i) B has received income support [^{F1}or an income-based jobseeker's allowance] for that period; or
 - (ii) B was, during that period, a member of the same family as some person other than A who received income support [^{F1}or an income-based jobseeker's allowance] for that period; and
- (c) the amount of the income support [^{F1}or an income-based jobseeker's allowance] has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of the prescribed benefit,

the amount of the prescribed benefit may, at the discretion of the authority administering it, be abated by the amount by which the amounts paid by way of income support [^{F1}or an income-based jobseeker's allowance] exceed what it is determined that they would have been had A, at the time the amount of the income support [^{F1}or an income-based jobseeker's allowance] was determined, been making payments for the maintenance of B at a rate equal to the amount of the prescribed benefit.

- (4) Where an amount could have been recovered by abatement by virtue of subsection (2) or (3) above but has not been so recovered, the Department may recover it otherwise than by way of abatement—
 - (a) in the case of an amount which could have been recovered by virtue of subsection (2) above, from the person to whom it was paid; and
 - (b) in the case of an amount which could have been recovered by virtue of subsection (3) above, from the person to whom the prescribed benefit in question was paid.
- (5) Where a payment is made in a currency other than sterling, its value in sterling shall be determined for the purposes of this section in accordance with regulations.

Textual Amendments

F1 Words in s. 72(1)(b)(2)(b)(3) inserted (17.7.1996) by S.I. 1995/2705, art. 40(1), **Sch. 2 para. 33**; S.R. 1996/285, art. 2, **Sch.**

Status:

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