



2010 CHAPTER 13

PART 1

SOCIAL SECURITY

Payments on account

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18.—(1) The Administration Act is amended as follows.

(2) In section 5 (regulations about claims for and payments of benefit)—

- (a) in subsection (1), omit paragraph (s) (which relates to payments on account),
- (b) in paragraph (t) of subsection (1), for “paragraph (s) above” substitute “subsection (1A) or (1B)”, and
- (c) after that subsection insert—

“(1A) Regulations may provide for the making of a payment on account of housing benefit—

- (a) where no claim has been made and it is impracticable for one to be made immediately;
- (b) where a claim has been made and it is impracticable for the claim to be immediately determined
- (c) where an award has been made but it is impracticable to pay the full amount of the benefit immediately.

(1B) Regulations may provide for the making of a payment on account of any other benefit to which this section applies—

- (a) where a person by or in respect of whom a claim has been or might be made (including a person in respect of whom an award has been made) would be in need if no payment on account were made, or
- (b) where an award has been made but it is impracticable to pay the full amount of the benefit immediately.

(1C) Regulations may make provision about the manner in which payments on account of a benefit to which this section applies are to be set against subsequent payments of benefit (other than payments on account).”.

(3) In section 14 (emergency payments by certain bodies), in subsection (1), for “subsection (1)(s)” substitute “subsection (1B)”.

(4) In section 69 (overpayments – general), for subsection (7) substitute—

“(7) Circumstances may be prescribed in which a payment on account by virtue of section 5(1B) may be recovered to the extent that it is not set against subsequent payments of the benefit to which it relates.”.