
STATUTORY RULES OF NORTHERN IRELAND

1988 No. 142

The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988

PART IV

PREVENTION OF DUPLICATION OF PAYMENTS

Duplication and prescribed income

7.—(1) For the purposes of Article 28(1) of the Order (recovery of amount of benefit awarded because prescribed income paid after prescribed date), a person's prescribed income is income required to be taken into account in accordance with Part V of the Income Support Regulations.

- (2) The prescribed date in relation to any payment of income prescribed by paragraph (1) is—
- (a) where it is made in respect of a specific day or period, that day or the first day of the period;
 - (b) where it is not so made, the day or the first day of the period to which it is fairly attributable.

Duplication and prescribed payments

8.—(1) For the purposes of Article 28(2) of the Order (recovery of amount of benefit awarded because prescribed payment not made on or before prescribed date), the payment of any of the following is a prescribed payment—

- (a) any benefit under the Act other than any gratuity or a widow's payment⁽¹⁾;
- (b) any child benefit;
- (c) any family credit;
- (d) any war disablement pension or war widow's pension⁽²⁾ which is not in the form of a gratuity and any payment which the Department accepts as analogous to any such pension;
- (e) any allowance paid under the Job Release Act 1977⁽³⁾;
- (f) any allowance payable by or on behalf of the Department of Economic Development to or in respect of a person for his maintenance for any period during which he is following a course of training or instruction provided or approved by that Department;
- (g) any payment of benefit under the legislation of any member State other than the United Kingdom concerning the branches of social security mentioned in Article 4(1) of [Regulation \(EEC\) No. 1408/71](#) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the

(1) See section 24 of the Social Security (Northern Ireland) Act 1975 as substituted by Article 37(1) of the Social Security (Northern Ireland) Order 1986 with effect from 11th April 1988

(2) "War disablement pension" and "war widow's pension" are each defined in Article 2(2) of the Social Security (Northern Ireland) Order 1986

(3) 1977 c. 8

Community(4), whether or not the benefit has been acquired by virtue of the provisions of that Regulation.

(2) The prescribed date, in relation to any payment of benefit prescribed by paragraph (1) is the date by which receipt of or entitlement to that benefit would have to be notified to the Department if it were to be taken into account in determining, whether on review or otherwise, the amount of or entitlement to income support.

Duplication and maintenance payments

9. For the purposes of Article 28(3) of the Order (recovery of amount of benefit awarded because maintenance payments not made), the following benefits are prescribed—

- (a) child benefit;
- (b) increases for dependants of any benefit under the Act;
- (c) child's special allowance under section 31 of the Act(5); and
- (d) guardian's allowance.

Conversion of payments made in a foreign currency

10. Where a payment of income prescribed by regulation 7(1), or a payment prescribed by regulation 8(1), is made in a currency other than sterling, its value in sterling, for the purposes of Article 28 of the Order and this Part, shall be determined, after conversion by the Bank of England, or by any institution which is authorised under the Banking Act 1987(6), as the net sterling sum into which it is converted, after any banking charge or commission on the transaction has been deducted.

(4) O.J. No. L149, 5.7.1971; Regulations No. 1408/71 and No. 574/72 were restated in amended form in Regulation No. 2001/83 (O.J. No. L230, 22.8.1983) and further amended by Council Regulation (EEC) No. 1660/85 (O.J. No. L160, 20.6.1985), Council Regulation (EEC) No. 1661/85 (O.J. No. L160, 20.6.1985) and Commission Regulation (EEC) No. 513/86 (O.J. No. L51, 28.2.1986)

(5) Section 31 was amended by paragraph 11 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 and Article 18(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)). Child's special allowance is abolished except for existing beneficiaries by Article 41 of the Social Security (Northern Ireland) Order 1986 from 6th April 1987

(6) 1987 c. 22