
STATUTORY RULES OF NORTHERN IRELAND

1988 No. 142

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

PART VI

**REVISION OF DETERMINATION AND
CALCULATION OF AMOUNT RECOVERABLE**

Circumstances in which determination need not be revised

12. Article 54(4) of the Order (recoverability dependent on reversal, variation or revision of determination) shall not apply where the fact and circumstances of the misrepresentation or non-disclosure do not provide a basis for reviewing and revising the determination under which payment was made.

Sums to be deducted in calculating recoverable amounts

13. In calculating the amounts recoverable under Article 54(1) of the Order or regulation 11, where there has been an overpayment of benefit, the adjudicating authority shall deduct—

- (a) any amount which has been offset under Part III;
- (b) any additional amount of income support which was not payable under the original, or any other, determination, but which should have been determined to be payable—
 - (i) on the basis of the claim as presented to the adjudicating authority, or
 - (ii) on the basis of the claim as it would have appeared had the misrepresentation or non-disclosure been remedied before the determination,

but no other deduction shall be made in respect of any other entitlement to benefit which may be, or might have been, determined to exist.

Quarterly diminution of capital

14.—(1) For the purposes of Article 54(1) of the Order, where income support or family credit has been overpaid in consequence of a misrepresentation as to the capital a claimant possesses or a failure to disclose its existence, the adjudicating authority shall treat that capital as having been reduced at the end of each quarter from the start of the overpayment period by the amount overpaid by way of income support or family credit within that quarter.

(2) Capital shall not be treated as reduced over any period other than a quarter or in any circumstances other than those for which paragraph (1) provides.

(3) In this regulation—

“a quarter” means a period of 13 weeks starting with the first day on which the overpayment period began and ending on the 90th consecutive day thereafter;

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“overpayment period” is a period during which income support or family credit is overpaid in consequence of a misrepresentation as to capital or a failure to disclose its existence.