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STATUTORY RULES OF NORTHERN IRELAND

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**1988 No. 142**

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

**PART II**

**INTERIM PAYMENTS**

**Recovery of overpaid interim payments**

4.—(1) Where the adjudicating authority has determined that an interim payment has been overpaid in circumstances which fall within paragraph (3) and that notice has been given as required by regulation 2(2), that authority shall determine the amount of the overpayment.

(2) The amount of the overpayment shall be recoverable by the Department by the same procedures and subject to the same conditions as if it were recoverable under Article 54(1) of the Order.

(3) The circumstances in which an interim payment may be determined to have been overpaid are as follows—

(a) an interim payment has been made under regulation 2(1)(a) or (b) but—

(i) the recipient has failed to make a claim in accordance with the Claims and Payments Regulations as soon as practicable or has made a claim which is either defective or is not made on the form approved for the time being by the Department and the Department has not treated the claim as duly made under regulation 4(7) of those regulations,

(ii) it has been determined that there is no entitlement on the claim, or that the entitlement is less than the amount of the interim payment, or that benefit on the claim is not payable, or

(iii) the claim has been withdrawn under regulation 5(2) of the Claims and Payments Regulations; or

(b) an interim payment has been made under regulation 2(1)(c) which exceeds the entitlement under the award of benefit on account of which the interim payment was made.

(4) For the purposes of this regulation a claim is defective if it is made on the form approved for the time being by the Department but is not completed in accordance with the instructions on the form.