
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 (“the POR Regulations”), the Housing Benefit Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit (SPC) Regulations”) regarding the calculation of the amount of a recoverable overpayment and to increase the maximum deduction which can be taken from benefit to recover an overpayment.

Regulation 2 amends the POR Regulations to provide that—

where there is an award of income support, state pension credit, income-based jobseeker's allowance or income-related employment and support allowance, the amount of a recoverable overpayment is reduced by the additional amount of benefit which would have been payable either to the person from whom the overpayment is recoverable or their partner had all the correct facts relating to their claim for benefit or their benefit entitlement been known or the change of circumstances had been notified at the time the change occurred (paragraph (2)); and

the maximum deduction from benefit to recover an overpayment which has arisen as a result of fraud is increased from 4 times 5 per cent. of the relevant personal allowance to 5 times 5 per cent. of that allowance and that the rules for calculating the maximum amount which may be deducted are consistent in all cases (paragraph (3)).

Regulations 3 and 4 make similar amendments to the Housing Benefit Regulations and the Housing Benefit (SPC) Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Recovery) (Amendment) Regulations (Northern Ireland) 2012.