
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 224

The Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016

PART 5

The process of recovery

Recovery by deduction from state pension credit

14.—(1) The following paragraphs apply where the recoverable amount falls to be recovered by deduction from state pension credit payable to the liable person.

(2) Subject to paragraphs (4) and (5), regulation 10 is to apply to the amount of state pension credit to which the liable person is presently entitled to the extent that there may be recovered in any one benefit week—

- (a) in a case to which paragraphs (3) applies, an amount equivalent to not more than 25 per cent. of the standard allowance for a single person aged 25 or over under regulation 38 of the Universal Credit Regulations (amounts of elements); and
- (b) in any other case, an amount equivalent to not more than 15 per cent. of that allowance.

(3) This paragraph applies where deductions from state pension credit are made to recover from the liable person—

- (a) the whole or part of an overpayment in respect of which the liable person has—
 - (i) been found guilty of an offence whether under statute or otherwise,
 - (ii) made an admission after caution of deception or fraud for the purpose of obtaining universal credit, jobseeker's allowance or employment and support allowance, or
 - (iii) agreed to pay a penalty under section 109A of the Administration Act (penalty as alternative to prosecution) and the agreement has not been withdrawn; or
- (b) a payment which is recoverable by virtue of section 69ZH of the Administration Act (recovery of hardship payments etc.).

(4) Where the amount deductible under paragraph (2) is not a multiple of 5 pence, it is to be rounded up to the next higher such multiple.

(5) No deduction made under paragraph (2) is to be applied so as to reduce the state pension credit in respect of a benefit week to less than 10 pence.

(6) In this regulation “benefit week” has the same meaning as in regulation 1(2) of the State Pension Credit Regulations (Northern Ireland) 2003⁽¹⁾ (interpretation).

(1) S.R. 2003 No. 28; the definition of “benefit week” was substituted by regulation 3(2) of S.R. 2009 No. 409.