



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART III

OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

Modifications etc. (not altering text)

C1 Pt. III (ss. 69-76) restricted (1.12.1999) by [S.I. 1999/3147 \(N.I. 11\)](#), [arts. 1\(4\)](#), 65

Misrepresentation etc.

69 Overpayments - general.

(1) Where it is determined that, whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact and in consequence of the misrepresentation or failure—

- (a) a payment has been made in respect of a benefit to which this section applies; or
- (b) any sum recoverable by or on behalf of the Department in connection with any such payment has not been recovered,

the Department shall be entitled to recover the amount of any payment which the Department would not have made or any sum which the Department would have received but for the misrepresentation or failure to disclose.

[^{F1}(2) Where any such determination as is referred to in subsection (1) above is made, the person making the determination shall [^{F2}in the case of the Department or a tribunal, and may in the case of a Commissioner or a court]—

- (a) determine whether any, and if so what, amount is recoverable under that subsection by the Department, and

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- (b) specify the period during which that amount was paid to the person concerned.]
- (3) An amount recoverable under subsection (1) above is in all cases recoverable from the person who misrepresented the fact or failed to disclose it.
- (4) In relation to cases where payments of a benefit to which this section applies have been credited to a bank account or other account under arrangements made with the agreement of the beneficiary or a person acting for him, circumstances may be prescribed in which the Department is to be entitled to recover any amount paid in excess of entitlement; but any such regulations shall not apply in relation to any payment unless before he agreed to the arrangements such notice of the effect of the regulations as may be prescribed was given in such manner as may be prescribed to the beneficiary or to a person acting for him.

^{F3}(5)

[^{F4}(5A) Except where regulations otherwise provide, an amount shall not be recoverable [^{F5}[^{F6}under subsection (1) or under regulations under subsection (4)] or under regulations under subsection (4) above] unless the determination in pursuance of which it was paid has been reversed or varied on an appeal or [^{F7}has been revised under Article 10 or superseded under Article 11 of the Social Security (Northern Ireland) Order 1998].]

- (6) Regulations may provide—
- (a) that amounts recoverable under subsection (1) above or regulations under subsection (4) above shall be calculated or estimated in such manner and on such basis as may be prescribed;
- (b) for treating any amount paid to any person under an award which it is subsequently determined was not payable—
- (i) as properly paid; or
- (ii) as paid on account of a payment which it is determined should be or should have been made,
- and for reducing or withholding any arrears payable by virtue of the subsequent determination;
- (c) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—
- (i) the other person is himself entitled to a payment for that period; or
- (ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person,
- and for reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

(7) Circumstances may be prescribed in which a payment on account by virtue of section 5(1)(s) above may be recovered to the extent that it exceeds entitlement.

(8) Where any amount paid ^{F8}... is recoverable under—

- (a) subsection (1) above;
- (b) regulations under subsection (4) or (7) above; or
- (c) section 72 below,

it may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

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(9) Where any amount paid in respect of a [^{F9}couple] is recoverable as mentioned in subsection (8) above, it may, without prejudice to any other method of recovery, be recovered, in such circumstances as may be prescribed, by deduction from prescribed benefits payable to either of them.

[^{F10}(9A) Regulations may provide for amounts recoverable under the provisions mentioned in subsection (8) to be recovered by deductions from earnings.

(9B) In subsection (9A) “earnings” has such meaning as may be prescribed.

(9C) Regulations under subsection (9A) may include provision—

- (a) requiring the person from whom an amount is recoverable (“the beneficiary”) to disclose details of their employer, and any change of employer, to the Department;
- (b) requiring the employer, on being served with a notice by the Department, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department;
- (c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;
- (d) as to how payment is to be made to the Department;
- (e) as to a level of earnings below which earnings must not be reduced;
- (f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;
- (g) requiring the employer to keep records of deductions;
- (h) requiring the employer to notify the Department if the beneficiary is not, or ceases to be, employed by the employer;
- (i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;
- (j) with respect to the priority as between a requirement to deduct from earnings under this section and—
 - (i) any other such requirement;
 - (ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.]

(10) Any amount recoverable under the provisions mentioned in subsection (8) above shall, if the county court so orders, be enforceable as if it were payable under an order of that court.

^{F11}(10A)

(11) This section applies to the following benefits—

- [^{F12}(za) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;]
 - (a) benefit as defined in section 121 of the Contributions and Benefits Act;
- ^{F13}(aa)
- [^{F14}(ab) state pension credit[^{F15}excluding housing credit (see section 69ZB)] ;]
- ^{F13}(ac)
- [^{F16}(ad) personal independence payment;]

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- [^{F17}(ae) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;]
- (b) ^{F18} . . . income support;
- ^{F19}(c)
- ^{F19}(d)
- (e) any social fund payments such as are mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act; and
- [^{F20}(ea) health in pregnancy grant; and]
- (f) child benefit.

[^{F21}(12) In this section, “couple” has the meaning given by section 133(1) of the Contributions and Benefits Act.]

Textual Amendments

- F1** S. 69(2) substituted (24.7.1996) by 1996 c. 51, s. 2(2)(5)
- F2** Words in s. 69(2) inserted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp. by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6**, para. 62(1); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F3** S. 69(5) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 41(2), 60(2)(a), **Sch. 8** and expressed to be further repealed by 2007 (c. 5), ss. 45(2), 70(1), Sch. 8 (with s. 45(4))
- F4** S. 69(5A) inserted (24.7.1996) by 1996 c. 51, s. 2(4)(5)
- F5** Words in s. 69(5A) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 41(3), 60(2)(a)
- F6** Words in s. 69(5A) substituted (3.7.2007) by Welfare Reform Act 2007 (c. 5), ss. 45(3), 70(1) (with s. 45(4))
- F7** Words in s. 69(5A) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 62(3)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F8** Words in s. 69(8) repealed (8.5.2012) by Welfare Reform Act 2012 (c. 5), ss. 107(2), 150(2)(d)
- F9** Words in s. 69(9) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 110(2)**; S.I. 2005/3255, art. 2(1), Sch.
- F10** S. 69(9A)-(9C) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **110(1)**; S.R. 2016/215, arts. 2(6)(c), 3(3)
- F11** S. 69(10A) repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 10**; S.R. 2017/190, art. 3(1)(2)(k)
- F12** S. 69(11)(za) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 11**
- F13** S. 69(11)(aa)(ac) repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 10**; S.R. 2017/190, art. 3(1)(2)(k) (with art. 3(3)); S.R. 2017/190, art. 3(1)(2)(k) (with art. 3(3))
- F14** S. 69(11)(ab) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 10**; S.R. 2002/366, **art. 2(1)(I)**; S.R. 2003/373, art. 2
- F15** Words in s. 69(11)(ab) inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in force)

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- by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(2)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)
- F16** S. 69(11)(ad) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 9**; S.R. 2016/215, art. 3(2)
- F17** S. 69(11)(ae) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 25**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F18** Words in s. 69(11)(b) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2**
- F19** S. 69(11)(c)(d) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), **Sch. 2** (with art. 3)
- F20** S. 69(11)(ea) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(4)**, 170; S.I. 2008/3137, art. 2
- F21** S. 69(12) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 110(3)**; S.I. 2005/3255, art. 2(1), **Sch.**

Modifications etc. (not altering text)

- C2** S. 69 modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 paras. 10(1)**
- C3** S. 69 modified (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(5)**, 170; S.I. 2008/3137, art. 2

[^{F22}69ZA Overpayments out of the social fund.

- (1) Subject to subsection (2) below, section 69 above shall apply in relation to social fund payments to which this section applies as it applies in relation to payments made in respect of benefits to which that section applies.
- (2) Section 69 above as it so applies shall have effect as if—
- (a) in ^{F23}... subsection (5A), for the words “reversed or varied on an appeal or has been revised under Article 10 or superseded under Article 11” there were substituted the words “revised on a review under Article 38”;
- ^{F24}(b)
- (c) subsections (7) and (10A) were omitted.

[Subsection (9A) of section 69 as it so applies shall have effect as if the reference to ^{F25}(2A) amounts recoverable under the provisions mentioned in subsection (8) of that section were to amounts recoverable under subsections (1) and (4) of that section by virtue of subsection (1) above.]

- (3) This section applies to social fund payments such as are mentioned in section 134(1) (b) of the Contributions and Benefits Act.]

Textual Amendments

- F22** S. 69ZA inserted (5.10.1998) by S.I. 1998/1506 (N.I. 10), **art. 71(1)**; S.R. 1998/312, **art. 2(c)**
- F23** Words in s. 69ZA(2)(a) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(d), **Sch. 8**
- F24** S. 69ZA(2)(b) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(d), **Sch. 8**
- F25** S. 69ZA(2A) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **110(2)**; S.R. 2016/215, arts. 2(6)(c), 3(3)

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Modifications etc. (not altering text)

C4 S. 69ZA modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 8**

^{F26}Recovery of benefit payments

Textual Amendments

F26 Ss. 69ZB-69ZH inserted and cross-heading (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in force) by **The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)**, arts. 2(2), **109(1)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

69ZB Recovery of overpayments of certain benefits

- (1) The Department may recover any amount of the following paid in excess of entitlement—
 - (a) universal credit,
 - (b) jobseeker's allowance,
 - (c) employment and support allowance, and
 - (d) except in prescribed circumstances, housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002).
- (2) An amount recoverable under this section is recoverable from—
 - (a) the person to whom it was paid, or
 - (b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.
- (3) An amount paid in pursuance of a determination is not recoverable under this section unless the determination has been—
 - (a) reversed or varied on an appeal, or
 - (b) revised or superseded under Article 10 or Article 11 of the Social Security (Northern Ireland) Order 1998,
 except where regulations otherwise provide.
- (4) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.
- (5) Where an amount of universal credit is paid for the sole reason that a payment by way of prescribed income is made after the date which is the prescribed date for payment of that income, that amount is for the purposes of this section paid in excess of entitlement.
- (6) In the case of a benefit referred to in subsection (1) which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.
- (7) An amount recoverable under this section may (without prejudice to any other means of recovery) be recovered—
 - (a) by deduction from benefit (section 69ZC);
 - (b) by deduction from earnings (section 69ZD);

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- (c) through the courts etc (section 69ZE);
- (d) by adjustment of benefit (section 69ZF).

Modifications etc. (not altering text)

- C5** S. 69ZB modified (25.9.2017) by [The Tax Credits \(Exercise of Functions in relation to Northern Ireland and Notices for Recovery of Tax Credit Overpayments\) Order 2017 \(S.I. 2017/781\)](#), arts. 1, 3(2)
- C6** S. 69ZB(3) excluded (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Social Security \(Overpayments and Recovery\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/224\)](#), regs. 1(3), 5

69ZC Deduction from benefit

- (1) An amount recoverable from a person under section 69ZB may be recovered by deducting the amount from payments of prescribed benefit.
- (2) Where an amount recoverable from a person under section 69ZB was paid to the person on behalf of another, subsection (1) authorises its recovery from the person by deduction—
 - (a) from prescribed benefits to which the person is entitled,
 - (b) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by the person on whose behalf the recoverable amount was paid, or
 - (c) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by any other person.
- (3) Where an amount is recovered as mentioned in paragraph (b) of subsection (2), the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction.
- (4) Where an amount is recovered as mentioned in paragraph (c) of subsection (2), the obligation specified in that paragraph shall in all cases be taken to be so discharged.

69ZD Deduction from earnings

- (1) Regulations may provide for amounts recoverable under section 69ZB to be recovered by deductions from earnings.
- (2) In this section “earnings” has such meaning as may be prescribed.
- (3) Regulations under subsection (1) may include provision—
 - (a) requiring the person from whom an amount is recoverable (“the beneficiary”) to disclose details of their employer, and any change of employer, to the Department;
 - (b) requiring the employer, on being served with a notice by the Department, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department;
 - (c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;
 - (d) as to how payment is to be made to the Department;
 - (e) as to a level of earnings below which earnings must not be reduced;

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- (f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;
- (g) requiring the employer to keep records of deductions;
- (h) requiring the employer to notify the Department if the beneficiary is not, or ceases to be, employed by the employer;
- (i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;
- (j) with respect to the priority as between a requirement to deduct from earnings under this section and—
 - (i) any other such requirement;
 - (ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.

69ZE Court action etc.

- (1) An amount recoverable under section 69ZB is, if the county court so orders, recoverable as if it were payable under an order of that court.
- (2) Any costs of the Department in recovering an amount of benefit under this section may be recovered by it as if they were amounts recoverable under section 69ZB.

69ZF Adjustment of benefit

Regulations may for the purpose of the recovery of amounts recoverable under section 69ZB make provision—

- (a) for treating any amount paid to a person under an award which it is subsequently determined was not payable—
 - (i) as properly paid, or
 - (ii) as paid on account of a payment which it is determined should be or should have been made,
 and for reducing or withholding arrears payable by virtue of the subsequent determination;
- (b) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—
 - (i) the other person is entitled to a payment for that period, or
 - (ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person,
 and by reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

69ZG Recovery of payments on account

- (1) The Department may recover any amount paid under section 5(1)(s) (payments on account).
- (2) An amount recoverable under this section is recoverable from—
 - (a) the person to whom it was paid, or

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- (b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.
- (3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.
- (4) In the case of a payment on account of a benefit which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.
- (5) Sections 69ZC, 69ZD and 69ZE apply in relation to amounts recoverable under this section as to amounts recoverable under section 69ZB.

69ZH Recovery of hardship payments etc.

- (1) The Department may recover any amount paid by way of—
 - (a) payment under Article 33 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit hardship payments) which is recoverable under that Article,
 - (b) a payment under Article 21C of the Jobseekers Order (jobseeker's allowance hardship payments) which is recoverable under that Article,
 - (c) a payment of a jobseeker's allowance under paragraph 8 or 8A of Schedule 1 to that Order (exemptions), where the allowance is payable at a prescribed rate under paragraph 9 of that Schedule and is recoverable under that paragraph,
 - (d) a payment of a jobseeker's allowance under paragraph 10 of that Schedule (claims yet to be determined etc.) which is recoverable under that paragraph, or
 - (e) a payment which is recoverable under section 5B(5A)(d) or (7)(d), 6(2A)(d) or (4)(d), 7(3)(aa) or (4)(d) or 8(2A)(d) or (4)(d) of the Social Security Fraud Act (Northern Ireland) 2001.
- (2) An amount recoverable under this section is recoverable from—
 - (a) the person to whom it was paid, or
 - (b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.
- (3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.
- (4) Where universal credit or a jobseeker's allowance is claimed by persons jointly, an amount paid to one claimant may for the purposes of this section be regarded as paid to the other.
- (5) Sections 69ZC to 69ZF apply in relation to amounts recoverable under this section as to amounts recoverable under section 69ZB.]

^{F27}[Jobseeker's Allowance]

Textual Amendments

F27 S. 69A and the preceding cross-heading inserted (7.10.1996) by [S.I. 1995/2705 \(N.I. 15\)](#), [art. 20](#); [S.R. 1996/401](#), [art. 2](#)

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69A [F28 Recovery of jobseeker's allowance: severe hardship cases.]

- (1) Where—
- (a) a severe hardship direction is revoked; and
 - (b) it is determined by [F29the Department] that—
 - (i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and
 - (ii) in consequence of the failure of misrepresentation, payment of a jobseeker's allowance has been made during the relevant period to the person to whom the direction related, [F29the Department] may determine that [F30it] is entitled to recover the amount of the payment.
- (2) In this section—
- “severe hardship direction” means a direction given under Article 18 of the Jobseekers (Northern Ireland) Order 1995; and
- “the relevant period” means—
- (a) if the revocation is under Article 18(3)(a) of that Order, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
 - (b) if the revocation is under Article 18(3)(b) or (c) of that Order, the period during which the direction was in force.
- (3) Where a severe hardship direction is revoked, the Department may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.
- (4) If the Department certifies that there has been such misrepresentation or failure to disclose, it may certify—
- (a) who made the misrepresentation or failed to make the disclosure; and
 - (b) whether or not a payment of jobseeker's allowance has been made in consequence of the misrepresentation or failure.
- (5) If the Department certifies that a payment has been made, it may certify the period during which a jobseeker's allowance would not have been paid but for the misrepresentation or failure to disclose.
- (6) A certificate under this section shall be conclusive as to any matter certified.
- (7) Subsections (3) and (6) to (10) of section 69 above apply to a jobseeker's allowance recoverable under subsection (1) above as they apply to a jobseeker's allowance recoverable under section 69(1) above.
- (8) The other provisions of section 69 above do not apply to a jobseeker's allowance recoverable under subsection (1) above.

Textual Amendments

- F28** S. 69A and the preceding cross-heading inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), **art. 20**; S.R. 1996/401, **art. 2**
- F29** Words in s. 69A(1) substituted (18.10.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 63(a)**; S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16)
- F30** Word in s. 69A(1) substituted (18.10.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 63(b)**; S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16)

Status: Point in time view as at 22/07/2020.

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F3170

Textual Amendments

F31 S. 70 repealed (7.10.1996) by S.I. 1995/2705, art. 40(2), Sch. 3; S.R. 1996/401, art. 2(b)

Adjustments of benefits

71 **Overlapping benefits - general.**

- (1) Regulations may provide for adjusting [F32state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 or] benefit as defined in section 121 of the Contributions and Benefits Act [F33, or a contribution-based jobseeker's allowance [F34or a contributory employment and support allowance] ,] which is payable to or in respect of any person, or the conditions for [F35receipt of that benefit], where—
 - (a) there is payable in his case any such pension, allowance or benefit as is described in subsection (2) below; or
 - (b) the person is, or is treated under the regulations as, undergoing medical or other treatment as an in-patient in a hospital or similar institution.
- (2) Subsection (1)(a) above applies to any pension, allowance or benefit payable out of public funds (including any other benefit as so defined, whether it is of the same or a different description) which is payable to or in respect of—
 - (a) the person referred to in subsection (1);
 - (b) that person's [F36wife, husband or civil partner] ;
 - (c) any F37... dependant of that person; or
 - (d) the [F38wife, husband or civil partner] of any adult dependant of that person.
- (3) Where but for regulations made by virtue of subsection (1)(a) above two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.
- [F39(4) Regulations may provide for adjusting—
 - [state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;]
 - F40(z)
 - (a) benefit as defined in section 121 of the Contributions and Benefits Act; F41...
 - (b) a contribution-based jobseeker's allowance, [F42or
 - (c) a contributory employment and support allowance,]payable to or in respect of any person where there is payable in his case any such benefit as is described in subsection (5) below.]
- (5) Subsection (4) above applies to any benefit payable under the legislation of any member State other than the United Kingdom which is payable to or in respect of—
 - (a) the person referred to in that subsection;
 - (b) that person's [F43wife, husband or civil partner] ;
 - (c) any F44... dependant of that person; or
 - (d) the [F45wife, husband or civil partner] of any adult dependant of that person.
- [F46(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 121 of the Contributions and Benefits Act.]

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Textual Amendments

- F32** Words in s. 71(1) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), [Sch. 12 para. 12\(a\)](#)
- F33** Words in s. 71(1) inserted (17.7.1996) by [S.I. 1995/2705](#), art. 40(1), [Sch. 2 para. 32\(2\)\(a\)](#); [S.R. 1996/285](#), art. 2, [Sch.](#)
- F34** Words in s. 71(1) inserted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(7\)\(a\)](#); [S.R. 2008/276](#), art. 2(2)(c), [Sch. Pt. 1](#)
- F35** Words in s. 71(1) substituted (17.7.1996) by [S.I. 1995/2705](#), art. 40(1), [Sch. 2 para. 32\(2\)\(b\)](#); [S.R. 1996/285](#), art. 2, [Sch.](#)
- F36** Words in s. 71(2)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 111](#); [S.I. 2005/3255](#), art. 2(1), [Sch.](#)
- F37** Words in s. 71(2)(c) repealed (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), [Sch. 1 para. 47](#), [Sch. 2 Pt. 2](#)
- F38** Words in s. 71(2)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 111](#); [S.I. 2005/3255](#), art. 2(1), [Sch.](#)
- F39** S. 71(4) substituted (17.7.1996) by [S.I. 1995/2705](#), art. 40(1), [Sch. 2 para. 32\(3\)](#); [S.R. 1996/285](#), art. 2, [Sch.](#)
- F40** S. 71(4)(za) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), [Sch. 12 para. 12\(b\)](#)
- F41** Word in s. 71(4)(a) repealed (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 8](#); [S.R. 2008/276](#), art. 2(2)(d), [Sch. Pt. 2](#)
- F42** S. 71(4)(c) and word added (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(7\)\(b\)](#); [S.R. 2008/276](#), art. 2(2)(c), [Sch. Pt. 1](#)
- F43** Words in s. 71(5)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 111](#); [S.I. 2005/3255](#), art. 2(1), [Sch.](#)
- F44** Words in s. 71(5)(c) repealed (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), [Sch. 1 para. 47](#), [Sch. 2 Pt. 2](#)
- F45** Words in s. 71(5)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 111](#); [S.I. 2005/3255](#), art. 2(1), [Sch.](#)
- F46** S. 71(6) inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 9 para. 10](#); [S.R. 2016/215](#), art. 3(2)

72 Income support and other payments.

(1) Where—

- (a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount which has been paid by way of income support [^{F47}, an income-based jobseeker's allowance [^{F48}, state pension credit or an income-related employment and support allowance]] would not have been paid if the payment had been made on the prescribed date,

the Department shall be entitled to recover that amount from the person to whom it was paid.

(2) Where—

- (a) a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any other member

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State is not made on or before the date which is the prescribed date in relation to the payment; and

- (b) it is determined that an amount (“the relevant amount”) has been paid by way of income support [^{F49}, an income-based jobseeker’s allowance [^{F50}, state pension credit or an income-related employment and support allowance]] that would not have been paid if the payment mentioned in paragraph (a) above had been made on the prescribed date,

then—

- (i) in the case of a payment from public funds in the United Kingdom, the authority responsible for making it may abate it by the relevant amount; and
- (ii) in the case of any other payment, the Department shall be entitled to receive the relevant amount out of the payment.

(3) Where—

- (a) a person (in this subsection referred to as A) is entitled to any prescribed benefit for any period in respect of another person (in this subsection referred to as B); and
- (b) either—
 - (i) B has received income support [^{F51}, an income-based jobseeker’s allowance or an income-related employment and support allowance] for that period; or
 - (ii) B was, during that period, a member of the same family as some person other than A who received income support [^{F51}, an income-based jobseeker’s allowance or an income-related employment and support allowance] for that period; and
- (c) the amount of the income support [^{F52}, an income-based jobseeker’s allowance or an income-related employment and support allowance] has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of the prescribed benefit,

the amount of the prescribed benefit may, at the discretion of the authority administering it, be abated by the amount by which the amounts paid by way of income support [^{F53}, an income-based jobseeker’s allowance or an income-related employment and support allowance] exceed what it is determined that they would have been had A, at the time the amount of the income support [^{F53}, an income-based jobseeker’s allowance or an income-related employment and support allowance] was determined, been making payments for the maintenance of B at a rate equal to the amount of the prescribed benefit.

(4) Where an amount could have been recovered by abatement by virtue of subsection (2) or (3) above but has not been so recovered, the Department may recover it otherwise than by way of abatement—

- (a) in the case of an amount which could have been recovered by virtue of subsection (2) above, from the person to whom it was paid; and
- (b) in the case of an amount which could have been recovered by virtue of subsection (3) above, from the person to whom the prescribed benefit in question was paid.

(5) Where a payment is made in a currency other than sterling, its value in sterling shall be determined for the purposes of this section in accordance with regulations.

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Textual Amendments

- F47** Words in s. 72(1)(b) substituted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 para. 11\(a\)](#); [S.R. 2002/366, art. 2](#); [S.R. 2003/373, art. 2](#)
- F48** Words in s. 72(1)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(8\)\(a\)](#); [S.R. 2008/276, art. 2\(2\)\(c\)](#), Sch. Pt. 1
- F49** Words in s. 72(2)(b) substituted (2.12.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 para. 11\(b\)](#); [S.R. 2002/366, art. 2](#); [S.R. 2003/373, art. 2](#)
- F50** Words in s. 72(2)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(8\)\(a\)](#); [S.R. 2008/276, art. 2\(2\)\(c\)](#), Sch. Pt. 1
- F51** Words in s. 72(3)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), [Sch. 3 para. 4\(8\)\(b\)](#); [S.R. 2008/276, art. 2\(2\)\(c\)](#), Sch. Pt. 1
- F52** Words in s. 72(3)(c) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/413\)](#), regs. 1(1), 2
- F53** Words in s. 72(3) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/413\)](#), regs. 1(1), 2

[72A] ^{F54} **Payment of benefit where maintenance payments collected by Department.**

- (1) This section applies where—
- (a) a person (“the claimant”) is entitled to a benefit to which this section applies;
 - (b) the Department is collecting periodical payments of child or spousal maintenance made in respect of the claimant or a member of the claimant’s family; and
 - (c) the inclusion of any such periodical payment in the claimant’s relevant income would, apart from this section, have the effect of reducing the amount of the benefit to which the claimant is entitled.
- (2) The Department may, to such extent as it considers appropriate, treat any such periodical payment as not being relevant income for the purposes of calculating the amount of benefit to which the claimant is entitled.
- (3) The Department may, to the extent that any periodical payment collected by it is treated as not being relevant income for those purposes, retain the whole or any part of that payment.
- (4) Any sum retained by the Department under subsection (3) shall be paid by the Department into the Consolidated Fund.
- (5) In this section—
- “child” means a person under the age of 16.
- “child maintenance”, “spousal maintenance” and “relevant income” have such meaning as may be prescribed;
- [^{F55}“couple” has the meaning given by section 133(1) of the Contributions and Benefits Act;]
- “family” means—

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- (a) a ^{F56}couple] ;
- (b) a ^{F56}couple] and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a ^{F56}couple] and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

F57
...
F57
...

- (6) For the purposes of this section, the Department may by regulations make provision as to the circumstances in which—
 - (a) persons are to be treated as being or not being members of the same household;
 - (b) one person is to be treated as responsible or not responsible for another.
- (7) The benefits to which this section applies are [^{F58}universal credit,] income support, an income-based jobseeker's allowance [^{F59}, an income-related employment and support allowance] and such other benefits (if any) as may be prescribed.]

Textual Amendments

- F54** S. 72A inserted (16.11.1995) by S.I. 1995/2702 (N.I. 13), **art. 18**; S.I. 1995/428, **art. 2**, **Sch.**
- F55** Words in s. 72A(5) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 112(a)**; S.I. 2005/3255, **art. 2(1)**, **Sch.**
- F56** Words in s. 72A(5) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 112(b)**; S.I. 2005/3255, **art. 2(1)**, **Sch.**
- F57** Words in s. 72A(5) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 112(c)**, **Sch. 30**; S.I. 2005/3255, **art. 2(1)**, **Sch.**
- F58** Words in s. 72A(7) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), **art. 2(2)**, **Sch. 2 para. 8**; S.R. 2017/190, **art. 4(1)(2)(g)(ii)**
- F59** Words in s. 72A(7) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(9)**; S.R. 2008/276, **art. 2(2)(d)**, **Sch. Pt. 2**

Housing benefit

73 Overpayments of housing benefit.

- (1) Except where regulations otherwise provide, any amount of housing benefit [^{F60}determined in accordance with regulations to have been]paid in excess of entitlement may be recovered by the Department, the Department of the Environment or by the Housing Executive ^{F61}. . . .
- (2) Regulations may require the Department of the Environment or the Housing Executive to recover such an amount in such circumstances as may be prescribed.
- [^{F62}(3) An amount recoverable under this section shall be recoverable -
 - (a) except in such circumstances as may be prescribed, from the person to whom it was paid; and
 - (b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.]

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- (4) Any amount recoverable under this section may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.
- [^{F63}(5) Where an amount paid to a person on behalf of another person is recoverable under this section, subsections (3) and (4) above authorise its recovery from the person to whom it was paid by deduction—
- (a) from prescribed benefits to which he is entitled;
 - (b) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by the person on whose behalf the recoverable amount was paid; or
 - (c) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by any other person.
- (6) Where an amount is recovered as mentioned in paragraph (b) of subsection (5) above, the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction; and where an amount is recovered as mentioned in paragraph (c) of that subsection, the obligation specified in that paragraph shall in all cases be taken to be so discharged.
- (7) Where any amount recoverable under this section is to be recovered otherwise than by deduction from prescribed benefits it shall, if the county court so orders, be enforceable as if it were payable under an order of that court.]
- [^{F64}(8) Regulations may provide for amounts recoverable under this section to be recovered by deductions from earnings.
- (9) In subsection (8) “earnings” has such meaning as may be prescribed.
- (10) Regulations under subsection (8) may include provision—
- (a) requiring the person from whom an amount is recoverable (“the beneficiary”) to disclose details of their employer, and any change of employer, to the Department, the Department of Finance and Personnel or the Housing Executive;
 - (b) requiring the employer, on being served with a notice by the Department, the Department of Finance and Personnel or the Housing Executive, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department, the Department of Finance and Personnel or the Housing Executive;
 - (c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;
 - (d) as to how payment is to be made to the Department, the Department of Finance and Personnel or the Housing Executive;
 - (e) as to a level of earnings below which earnings must not be reduced;
 - (f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;
 - (g) requiring the employer to keep records of deductions;
 - (h) requiring the employer to notify the Department, the Department of Finance and Personnel or the Housing Executive if the beneficiary is not, or ceases to be, employed by the employer;

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- (i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;
- (j) with respect to the priority as between a requirement to deduct from earnings under this section and—
 - (i) any other such requirement;
 - (ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.]

Textual Amendments

- F60** Words in s. 73(1) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 2**; S.R. 1997/316, art. 2, **Sch.**
- F61** Words in s. 73(1) repealed (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(2), **Sch. 2**; S.R. 1997/316, art. 2, **Sch.**
- F62** S. 73(3) substituted (22.11.2000 for certain purposes, otherwise 1.10.2001) by 2000 c. 4 (N.I.), s. 62 (with s. 66(6)); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2001/249, art. 2(c)
- F63** S. 73(5)-(7) added (8.10.1997 for certain purposes, otherwise 3.11.1997) by S.I. 1997/1182 (N.I. 11), art. 15; S.R. 1997/449, art. 2
- F64** S. 73(8)-(10) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by [The Welfare Reform \(Northern Ireland\) Order 2015](#) (S.I. 2015/2006), arts. 2(2), **110(3)**; S.R. 2016/215, arts. 2(6)(c), 3(3)

Modifications etc. (not altering text)

- C7** S. 73: functions transferred (1.12.1999) from the Department of the Environment to the Department of Finance and Personnel by S.R. 1999/481, art. 6(b), **Sch. 4 Pt. II**
- C8** S. 73(1)(2) applied (with modifications) (1.4.2007) by [The Rate Relief \(Qualifying Age\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/203), regs. 1(1), **31**
- C9** S. 73(1)(2) applied (with modifications) (1.4.2007) by [The Rate Relief \(General\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/204), regs. 1(1), **32**
- C10** S. 73(3)(a)(b) applied (with modifications) (1.4.2007) by [The Rate Relief \(General\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/204), regs. 1(1), **32**
- C11** S. 73(3)(a)(b) applied (with modifications) (1.4.2007) by [The Rate Relief \(Qualifying Age\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/203), regs. 1(1), **31**
- C12** S. 73(7) applied (with modifications) (1.4.2007) by [The Rate Relief \(Qualifying Age\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/203), regs. 1(1), **31**
- C13** S. 73(7) applied (with modifications) (1.4.2007) by [The Rate Relief \(General\) Regulations \(Northern Ireland\) 2007](#) (S.R. 2007/204), regs. 1(1), **32**

Social fund awards

74 Recovery of social fund awards.

- (1) A social fund award which is repayable shall be recoverable by the Department.
- (2) Without prejudice to any other method of recovery, the Department may recover an award by deduction from prescribed benefits.
- (3) The Department may recover an award—
 - (a) from the person to or for the benefit of whom it was made;

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- (b) where that person is a member of a [^{F65}couple] , from the other member of the couple;
- (c) from a person who is liable to maintain the person by or on behalf of whom the application for the award was made or any person in relation to whose needs the award was made.

[^{F66}(3A) Where—

- (a) a jobseeker’s allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
- (b) that person is subject to a bankruptcy order, a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency (Northern Ireland) Order 1989.]

[^{F67}(3B) Regulations may provide for amounts recoverable under subsection (1) from a person specified in subsection (3) to be recovered by deductions from earnings.

(3C) In subsection (3B) “earnings” has such meaning as may be prescribed.

(3D) Regulations under subsection (3B) may include provision referred to in section 69(9C).]

- (4) Payments [^{F68}out of the social fund] to meet funeral expenses may in all cases be recovered, as if they were funeral expenses, out of the estate of the deceased, and (subject to section 69 above) by no other means.

[^{F69}(5) In this section, “couple” has the meaning given by section 133(1) of the Contributions and Benefits Act.]

(6) For the purposes of this section—

- (a) a man shall be liable to maintain his wife [^{F70}or civil partner] and any children of whom he is the father;
- (b) a woman shall be liable to maintain her husband [^{F71}or civil partner] and any children of whom she is the mother;
- (c) a person shall be liable to maintain another person throughout any period in respect of which the ^{M1}first-mentioned person has, on or after 24th June 1980 (the date of the making of the Social Security (Northern Ireland) Order 1980) and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the ^{M2}Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person; and
- (d) “child” includes a person who has attained the age of 16 but not the age of 19 and in respect of whom either parent, or some person acting in the place of either parent, is receiving income support [^{F72}or an income-based jobseeker’s allowance].

[^{F73}(7) Any reference in subsection (6) to children of whom the man or the woman is the father or the mother shall be construed in accordance with Article 155 of the Children (Northern Ireland) Order 1995.]

(8) A document bearing a certificate which—

- (a) is signed by a person authorised in that behalf by the Secretary of State; and
- (b) states that the document apart from the certificate is, or is a copy of, such an undertaking as is mentioned in subsection (6)(c) above,

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shall be conclusive of the undertaking in question for the purposes of this section and section 101 below; and a certificate purporting to be so signed shall be deemed to be so signed until the contrary is proved.

Textual Amendments

- F65** Words in s. 74(3)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 113\(2\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F66** S. 74(3A) inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), [art. 33\(2\)](#); S.R. 1996/401, [art. 2](#),
- F67** S. 74(3B)-(3D) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), [110\(4\)](#); S.R. 2016/215, arts. 2(6)(c), 3(3)
- F68** Words in s. 74(4) inserted (28.11.2016 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 8 para. 2](#); S.R. 2016/411, art. 2(2)(b)
- F69** S. 74(5) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 113\(3\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F70** Words in s. 74(6)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 113\(4\)\(a\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F71** Words in s. 74(6)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 113\(4\)\(b\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F72** Words in s. 74(6) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), [Sch. 2](#), para. 34; S.R. 1996/285, art. 2, [Sch.](#)
- F73** S. 74(7) substituted (1.7.1995) by S.I. 1995/755 (N.I. 2), art. 185(1), [Sch. 9 para. 186](#); S.R. 1995/248, [art. 2](#)

Marginal Citations

- M1** [S.I. 1980/870 \(N.I. 8\)](#).
- M2** 1971 c. 77.

Great Britain payments

75 Recovery of Great Britain payments.

Without prejudice to any other method of recovery—

- (a) amounts recoverable under any statutory provision having effect in Great Britain and corresponding to a statutory provision mentioned in section 69(8) above shall be recoverable by deduction from benefits prescribed under that subsection;
- (b) amounts recoverable under any statutory provision having effect in Great Britain and corresponding to section 73 above shall be recoverable by deduction from benefits prescribed under subsection (4) of that section; and
- (c) amounts recoverable under Part III of the Great Britain Administration Act shall be recoverable by deduction from benefits prescribed [^{F74}under section 69(8)] .

Textual Amendments

- F74** Words in s. 75(c) substituted (28.11.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 8 para. 3](#); S.R. 2016/411, art. 2(2)(b); S.R. 2017/190, art. 3(1)(2)(i)

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Adjustment of child benefit

76 Child benefit - overlap with benefits under legislation of other member States.

Regulations may provide for adjusting child benefit payable in respect of any child [^{F75}or qualifying young person] in respect of whom any benefit is payable under the legislation of any member State other than the United Kingdom.

Textual Amendments

F75 Words in s. 76 inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), [Sch. 1 para. 48](#)

Modifications etc. (not altering text)

C14 S. 76: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by [Tax Credits Act 2002 \(c. 21\)](#), [ss. 49\(2\)\(c\)](#), 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

Status:

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