



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART III

#### OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

##### *Housing benefit*

#### **73 Overpayments of housing benefit.**

- (1) Except where regulations otherwise provide, any amount of housing benefit [<sup>F1</sup>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 <sup>F2</sup>. . .
- (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.
- [<sup>F3</sup>(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.]
  - (4) Any amount recoverable under this section may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.
  - [<sup>F4</sup>(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;

*Status: Point in time view as at 06/04/2022.*

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- (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.]
- [<sup>F5</sup>(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;
  - (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.]

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### Textual Amendments

- F1** 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.**
- F2** 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.**
- F3** 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)
- F4** 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
- F5** 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)

- C1** 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**
- C2** 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**
- C3** 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**
- C4** 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**
- C5** 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**
- C6** 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**
- C7** 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**

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