



# Employment Tribunals Act 1996

## 1996 CHAPTER 17

### PART I

#### [<sup>F1</sup>EMPLOYMENT TRIBUNALS]

##### *Recoupment of social security benefits*

#### **16 Power to provide for recoupment of benefits.**

- (1) This section applies to payments which are the subject of proceedings before [<sup>F1</sup>employment tribunals] and which are—
- (a) payments of wages or compensation for loss of wages,
  - (b) payments by employers to employees under sections 146 to 151, sections 168 to 173 or section 192 of the <sup>M1</sup>Trade Union and Labour Relations (Consolidation) Act 1992,
  - (c) payments by employers to employees under—
    - (i) Part III, V, VI or VII,
    - (ii) section 93, or
    - (iii) Part X,of the <sup>M2</sup>Employment Rights Act 1996, or
  - (d) payments by employers to employees of a nature similar to, or for a purpose corresponding to the purpose of, payments within paragraph (b) or (c),
- and to payments of remuneration under a protective award under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (2) The Secretary of State may by regulations make with respect to payments to which this section applies provision for any or all of the purposes specified in subsection (3).
- (3) The purposes referred to in subsection (2) are—
- (a) enabling the Secretary of State to recover from an employer, by way of total or partial recoupment of jobseeker's allowance [<sup>F2</sup>, income support or income-related employment and support allowance ] —

*Status: Point in time view as at 03/11/2008. This version of this provision has been superseded.*

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- (i) a sum not exceeding the amount of the prescribed element of the monetary award, or
  - (ii) in the case of a protective award, the amount of the remuneration,
  - (b) requiring or authorising an <sup>F1</sup>employment tribunal] to order the payment of such a sum, by way of total or partial recoupment of <sup>F3</sup>jobseeker's allowance, income support or income-related employment and support allowance ], to the Secretary of State instead of to an employee, and
  - (c) requiring an <sup>F1</sup>employment tribunal] to order the payment to an employee of only the excess of the prescribed element of the monetary award over the amount of any jobseeker's allowance <sup>F4</sup>, income support or income-related employment and support allowance ] shown to the tribunal to have been paid to the employee and enabling the Secretary of State to recover from the employer, by way of total or partial recoupment of the benefit, a sum not exceeding that amount.
- (4) Regulations under this section may be framed—
- (a) so as to apply to all payments to which this section applies or to one or more classes of those payments, and
  - <sup>F5</sup>(b) so as to apply to all or any of the benefits mentioned in subsection (3).]
- (5) Regulations under this section may—
- (a) confer powers and impose duties on <sup>F1</sup>employment tribunals] or <sup>F6</sup>adjudication officers or] other persons,
  - (b) impose on an employer to whom a monetary award or protective award relates a duty—
    - (i) to furnish particulars connected with the award, and
    - (ii) to suspend payments in pursuance of the award during any period prescribed by the regulations,
  - (c) provide for an employer who pays a sum to the Secretary of State in pursuance of this section to be relieved from any liability to pay the sum to another person,
  - <sup>F7</sup>(cc) provide for the determination by the Secretary of State of any issue arising as to the total or partial recoupment in pursuance of the regulations of a jobseeker's allowance, unemployment benefit <sup>F8</sup>, income support or income-related employment and support allowance ],
  - <sup>F7</sup>(d) confer on an employee a right of appeal to <sup>F9</sup>the First-tier Tribunal] against any decision of the Secretary of State on any such issue, and]
  - (e) provide for the proof in proceedings before <sup>F1</sup>employment tribunals] (whether by certificate or in any other manner) of any amount of jobseeker's allowance <sup>F10</sup>, income support or income-related employment and support allowance ] paid to an employee.
- (6) Regulations under this section may make different provision for different cases.

#### Textual Amendments

- F1** Words in s. 16(1)(3)(c)(5)(a)(e) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F2** Words in s. 16(3)(a) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), Sch. 3 para. 15(2)(a); S.I. 2008/787, art. 2(1)(4)(f), Sch.

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- F3** Words in s. 16(3)(b) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 15\(2\)\(b\)](#); S.I. 2008/787, art. 2(1)(4)(f), [Sch.](#)
- F4** Words in s. 16(3)(c) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 15\(2\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), [Sch.](#)
- F5** S. 16(4)(b) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 15\(2\)\(c\)](#); S.I. 2008/787, art. 2(1)(4)(f), [Sch.](#)
- F6** Words in s. 16(5)(a) repealed (18.10.1999 and 29.11.1999 for certain purposes and otherwise prosp.) by 1998 c. 14, s. 86(1)(2), [Sch. 7 para. 147\(a\)](#), [Sch. 8](#); S.I. 1999/2860, [art. 2](#) (subject to transitional provisions in [Schs. 16-18](#)); S.I. 1999/3178, art. 2(1), [Sch. 1](#) (subject to transitional provisions in [Schs. 21-23](#))
- F7** S. 16(5)(cc)(d) substituted for s. 16(5)(d) (18.10.1999 and 29.11.1999 for certain purposes and otherwise prosp.) by 1998 c. 14, s. 86(1), [Sch. 7 para. 147\(b\)](#); S.I. 1999/2860, [art. 2](#) (subject to transitional provisions in [Schs. 16-18](#)); S.I. 1999/3178, art. 2(1), [Sch. 1](#) (subject to transitional provisions in [Schs. 21-23](#))
- F8** Words in s. 16(5)(cc) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 15\(2\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), [Sch.](#)
- F9** Words in s. 16(5)(d) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 137](#)
- F10** Words in s. 16(5)(e) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), [Sch. 3 para. 15\(2\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), [Sch.](#)

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#### Marginal Citations

- M1** 1992 c. 52.  
**M2** 1996 c. 18.

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