



# Childcare Payments Act 2014

## 2014 CHAPTER 28

### *Recovery of top-up payments*

#### **37 Recovery of top-up payments where universal credit award made on revision**

- (1) This section applies where any of the following decisions has been revised under section 9 of the Social Security Act 1998 or Article 10 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))—
  - (a) a decision not to make an award of universal credit to a person (“P”) or to P and P’s partner jointly;
  - (b) a decision to terminate such an award.
- (2) P is liable to pay HMRC an amount equal to the sum of—
  - (a) any top-up payments made to P for an entitlement period falling wholly within the relevant period, and
  - (b) the relevant proportion of the sum of any top-up payments made to P for an entitlement period falling partly within the relevant period.
- (3) The “relevant period” means the period in relation to which the following conditions are met—
  - (a) it falls within the revision period (see subsection (4)),
  - (b) it is a period for which an award of universal credit is made, or continues, as a result of the revision of the decision, and
  - (c) where the award has been made to P and P’s partner jointly, the person who was P’s partner at the time of the decision has been P’s partner throughout the period.
- (4) The “revision period” means the period which—
  - (a) begins with the day on which the decision was made, and
  - (b) ends with—
    - (i) the day on which the person in relation to whom the decision was made is notified that the decision has been revised, or
    - (ii) if that day falls within an entitlement period for which P has made a valid declaration of eligibility, the last day of the entitlement period.

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*Changes to legislation: There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 37. (See end of Document for details)*

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- (5) In subsection (2)(b) the “relevant proportion”, in relation to top-up payments made for an entitlement period, means a proportion equal to the proportion of the entitlement period which falls within the relevant period.

**Commencement Information**

- I1** [S. 37](#) in force at 14.11.2016 for the purposes of the trial by [S.I. 2016/1083](#), **reg. 2(e)**  
**I2** [S. 37](#) in force at 21.4.2017 in so far as not already in force by [S.I. 2017/578](#), **reg. 3(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 37.