



Childcare Payments Act 2014

2014 CHAPTER 28

Recovery of top-up payments

38 Recovery of top-up payments where universal credit award made on appeal

- (1) This section applies where—
- (a) a person (“P”), or (in the case of a claim made jointly) P or P's partner at the time of the claim, has brought an appeal under the appropriate legislation against a decision not to make an award of universal credit or to terminate such an award, and
 - (b) the appeal is upheld.
- (2) In subsection (1) “the appropriate legislation” means any of the following—
- (a) the Social Security Act 1998;
 - (b) the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10));
 - (c) Part 1 of the Welfare Reform Act 2012;
 - (d) any provision made for Northern Ireland which corresponds to that Part of that Act.
- (3) 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.
- (4) The “relevant period” means the period in relation to which the following conditions are met—
- (a) it falls within the appeal period (see subsection (5)),
 - (b) it is a period for which an award of universal credit is made, or continues, as a result of the appeal being upheld, 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 claim has been P's partner throughout the period.

Changes to legislation: There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 38. (See end of Document for details)

- (5) The “appeal 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 who brought the appeal is notified of the decision on the appeal, 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.
- (6) In subsection (3)(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. 38 in force at 14.11.2016 for the purposes of the trial by S.I. 2016/1083, reg. 2(e)
I2 S. 38 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 38.