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STATUTORY INSTRUMENTS

1983 No. 104

SOCIAL SECURITY

The Child Benefit (Interim Payments) Regulations 1983

<i>Made</i>	- - - -	<i>2nd February 1983</i>
<i>Laid before Parliament</i>		<i>10th February 1983</i>
<i>Coming into Operation</i>		<i>7th March 1983</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by section 119(3)(a) of the Social Security Act 1975 as applied by section 8 of the Child Benefit Act 1975, and of all other powers enabling him in that behalf, after agreement with the Social Security Advisory Committee that proposals to make these regulations should not be referred to it⁽¹⁾, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Benefit (Interim Payments) Regulations 1983 and shall come into operation on 7th March 1983.

(2) In these regulations, “the Act” means the Child Benefit Act 1975, and [F1“determining authority” means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a tribunal of 3 such Commissioners constituted under section 116 of that Act;]

Textual Amendments

- F1 Words in reg. 1(2) substituted (23.4.1984) by [The Social Security Adjudication \(Consequential Amendments\) Regulations 1984 \(S.I. 1984/458\)](#), regs. 1, 10

Interim payments by way of child benefit under the Act

2.—(1) Where, under arrangements made by the Secretary of State with the consent of the Treasury, payment by way of child benefit has been made pending determination of a claim for it without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and the orders and regulations made under it, the payment so made shall,

(1) See section 10(2)(b) of the Social Security Act 1980 (c.30).

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for the purposes of those provisions, but subject to the following provisions of this regulation, be deemed to be a payment of child benefit duly made.

(2) When a claim for child benefit in connection with which a payment has been made under arrangements such as are referred to in paragraph (1) above is determined by a determining authority—

- (a) if that authority decides that nothing was properly payable by way of child benefit in respect of which the payment was made or that the amount properly payable by way of child benefit was less than the amount of the payment, it may, if appropriate, direct that the whole or part of the overpayment be treated as paid on account of child benefit which is properly payable, but subject as aforesaid shall require repayment of the overpayment; and
- (b) if that authority decides that the amount properly payable by way of child benefit equals or exceeds the amount of that payment, it shall treat that payment as paid on account of the child benefit properly payable.

(3) Unless before a payment made under arrangements such as are mentioned in paragraph (1) above has been made to a person that person has been informed of the effect of sub-paragraph (a) of paragraph (2) above as it relates to repayment of an overpayment, repayment of an overpayment shall not be required except where the determining authority is satisfied that [F2he, or any person acting for him has, whether fraudulently or otherwise, misrepresented or failed to disclose any material fact and that the interim payment has been made in consequence of the misrepresentation or failure].

(4) An overpayment required to be repaid under the provisions of this regulation shall, without prejudice to any other method of recovery, be recoverable by deduction from any child benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his child benefit on his death.

Textual Amendments

- F2** Words in reg. 2(3) substituted (6.4.1987) by Social Security (Payments on account, Overpayments and Recovery) Regulations 1987 (S.I. 1987/491), regs. 1, 19(2), **Sch. Pt. II**

Norman Fowler
Secretary of State for Social Services

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EXPLANATORY NOTE

These Regulations contain provisions relating to interim payments made by the Secretary of State with the consent of the Treasury pending the determination by independent statutory authorities (insurance officers, local tribunals and the Social Security Commissioners) of claims for child benefit under the Child Benefit Act 1975.

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