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## STATUTORY INSTRUMENTS

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# 1983 No. 104

## The Child Benefit (Interim Payments) Regulations 1983

### 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, 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 [<sup>F1</sup>he, 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.

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### Textual Amendments

- F1** 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](#)

**Status:**

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**Read more****Changes to legislation:**

The Child Benefit (Interim Payments) Regulations 1983, Section 2 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Instrument revoked by