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## STATUTORY INSTRUMENTS

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# 1983 No. 136

## The Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983

### PART VI

#### RECOVERY AND ADJUSTMENT OF ALLOWANCES

##### **Recovery of sums by deduction from allowances or benefit under the Social Security Act or a scheme made under section 2 of the Act**

**23.**—(1) Where any sums paid by way of an allowance are required to be repaid to the [<sup>F1</sup>Secretary of State] under this scheme, those sums may, without prejudice to any other method of recovery, be deducted from any allowance or from any benefit under Chapter IV or V of Part II of the Social Security Act or from any allowance under a scheme made under section 2 of the Act then or thereafter payable to the person by whom they are to be repaid or to any person entitled to receive any such allowance or benefit on his death, and the deduction may be made at such rate as the Secretary of State may determine.

(2) Where, in the case of any person, any sum may be recovered by deduction—

- (a) by virtue of any provision of the Social Security Act from any payment under that Act; or
- (b) by virtue of any provision of a scheme made under section 2 of the Act from any payment under such scheme;

it may instead be recovered in whole or in part by deduction from any allowance then or thereafter payable to him or to any person entitled to receive such allowance on his death.

**F1** Words in art. 23(1) substituted (9.1.1991) by [The Workmens Compensation \(Supplementation\) \(Amendment\) and the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit \(Amendment\) Scheme 1990 \(S.I. 1990/2538\)](#), arts. 1, **3(2)(d)**

##### **Set-off of overpayments on account of allowances**

**24.** Where any person has received any sum under a scheme made under section 2 of the Act to which, by virtue of any provisions of such scheme he was disentitled by reason of his being entitled in respect of the same period to an allowance under this scheme subsequently awarded, and there has not been a requirement to repay that sum (hereafter referred to as “the overpayment”) to the [<sup>F2</sup>Secretary of State], then the rate of the allowance, which would apart from this provision be payable for any week in that period, shall be reduced by the overpayment made in respect of that week.

**F2** Words in art. 24 substituted (9.1.1991) by [The Workmens Compensation \(Supplementation\) \(Amendment\) and the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit \(Amendment\) Scheme 1990 \(S.I. 1990/2538\)](#), arts. 1, **3(2)(d)**

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