
STATUTORY INSTRUMENTS

1987 No. 491

**Social Security (Payments on account,
Overpayments and Recovery) Regulations 1987**

PART II

INTERIM PAYMENTS

Making of interim payments

2.—(1) The Secretary of State may, in his discretion, make an interim payment, that is to say a payment on account of any benefit to which it appears to him that a person is or may be entitled, in the following circumstances:—

- (a) a claim for that benefit has not been made in accordance with the Claims and Payments Regulations and it is impracticable for such a claim to be made immediately; or
- (b) a claim for that benefit has been so made, but it is impracticable for it or a reference, review, application or appeal which relates to it to be determined immediately; or
- (c) an award of that benefit has been made but it is impracticable for the beneficiary to be paid immediately, except by means of an interim payment.

(2) On or before the making of an interim payment the recipient shall be given notice in writing of his liability under this Part to have it brought into account and to repay any overpayment.

Bringing interim payments into account

3. Where it is practicable to do so and notice has been given as required by regulation 2(2), the interim payment shall be brought into account as follows:—

- (a) any interim payment made in anticipation of an award of benefit shall be offset by the adjudicating authority in reduction of the benefit to be awarded; and
- (b) any interim payment (whether or not made in anticipation of an award) which is not offset under sub-paragraph (a) shall be deducted by the Secretary of State from—
 - (i) the sum payable under the award of benefit on account of which the interim payment was made; or
 - (ii) any sum payable under any subsequent award of the same benefit to the same person.

Recovery of overpaid interim payments

4.—(1) Where the adjudicatory has determined that an interim payment has been overpaid in circumstances which fall within paragraph (3) and that notice has been given as required by regulation 2(2), that authority shall determine the amount of the overpayment.

(2) The amount of the overpayment shall be recoverable by the Secretary of State, by the same procedures and subject to the same conditions as if it were recoverable under section 53(1) of the Act.

(3) The circumstances in which an interim payment may be determined to have been overpaid are as follows:—

- (a) an interim payment has been made under regulation 2(1)(a) or (b) but—
 - (i) the recipient has failed to make a claim in accordance with the Claims and Payments Regulations as soon as practicable, or having made such a claim has withdrawn it or is deemed to have withdrawn it; or
 - (ii) it has been determined that there is no entitlement on the claim, or that the entitlement is less than the amount of the interim payment; or
- (b) an interim payment has been made under regulation 2(1)(c) which exceeds the entitlement under the award of benefit on account of which the interim payment was made.