
STATUTORY INSTRUMENTS

1987 No. 491

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

PART VI

**REVISION OF DETERMINATION AND
CALCULATION OF AMOUNT RECOVERABLE**

Circumstances in which determination need not be revised

13. Section 53(4) of the Act (recoverability dependent on reversal, variation or revision of determination) shall not apply where the fact and circumstances of the misrepresentation or non-disclosure do not provide a basis for reviewing and revising the determination under which payment was made.

Sums to be deducted in calculating recoverable amounts

14. In calculating the amounts recoverable under section 53(1) of the Act or regulation 12, where there has been an overpayment of benefit, the adjudicating authority shall deduct—

- (a) any amount which has been offset under Part III;
- (b) any additional amount of supplementary pension or allowance which was not payable under the original, or any other, determination, but which should have been determined to be payable—
 - (i) on the basis of the claim as presented to the adjudicating authority, or
 - (ii) on the basis of the claim as it would have appeared had the misrepresentation or non-disclosure been remedied before the determination;

but no other deduction shall be made in respect of any other entitlement to benefit which may be, or might have been, determined to exist.

Quarterly diminution of capital resources

15.—(1) For the purposes of section 53(1) of the Act, where a supplementary pension or allowance has been overpaid in consequence of a misrepresentation as to capital resources or a failure to disclose their existence, the adjudicating authority shall treat those resources as having been reduced at the end of each quarter from the start of the overpayment period by the amount paid by way of supplementary pension or allowance within that quarter.

(2) Capital resources shall not be treated as reduced over any period other than a quarter or in any circumstances other than those for which paragraph (1) provides.

(3) In this regulation “a quarter” means a period of 13 weeks starting with the first day on which the overpayment period began and ending on the 90th consecutive day thereafter.