
STATUTORY INSTRUMENTS

1988 No. 1227

The Child Benefit (General) Amendment Regulations 1988

Insertion of regulation 14A into the principal Regulations

7. After regulation 14 of the principal Regulations (modification of priority provisions in Schedule 2 to the Act) there shall be inserted the following regulation—

“Exception to section 6(3) of the Act

14A.—(1) A person shall not be disentitled to benefit in respect of a child for any week by virtue of the provisions of section 6(3) of the Act (persons not entitled to benefit for any week if benefit already paid for that week to another person, whether or not that other person was entitled to it) if in respect of that week—

- (a) the determining authority has decided that the Secretary of State shall be entitled to recover benefit which has already been paid in respect of that child from a person in consequence of his misrepresentation of, or his failure to disclose, any material fact and, where that determining authority is one from whose decision an appeal lies, the time for appealing has expired and no appeal has been made; or
- (b) the benefit already paid to the other person has been voluntarily repaid to, or recovered by, the Department in a case where the determining authority either—
 - (i) has decided on review that while there was no entitlement to benefit it is not recoverable, or
 - (ii) has decided on review that there was no entitlement to benefit but has made no decision as to its recoverability.

(2) In this regulation “determining authority” means, as the case may require, the Chief or any other adjudication officer, a social security appeal tribunal, the Chief or any other Social Security Commissioner or a tribunal of three such Commissioners constituted in accordance with section 116 of the Social Security Act 1975(1) as applied to appeals concerning child benefit by section 52(3) and (6) of the Social Security act 1986(2).”.

(1) 1975 c. 14.
(2) 1986 c. 50.