
STATUTORY INSTRUMENTS

1988 No. 664

The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988

PART V

DIRECT CREDIT TRANSFER OVERPAYMENTS

Recovery of overpayments by automated or other direct credit transfer

11.—^[F1](A1) This regulation applies only in respect of payments of benefit to which section 71 of the Administration Act applies.]

(1) ^[F2]Subject to paragraph (4), where] it is determined by the adjudicating authority that a payment in excess of entitlement has been credited to a bank or other account under an arrangement for automated or other direct credit transfer made in accordance with regulation 21 of the Claims and Payments Regulations and that the conditions prescribed by paragraph (2) are satisfied, the excess, or the specified part of it to which the Secretary of State's certificate relates, shall be recoverable under this regulation.

(2) The prescribed conditions for recoverability under paragraph (1) are as follows—

(a) the Secretary of State has certified that the payment in excess of entitlement, or a specified part of it, is materially due to the arrangement for payments to be made by automated or other direct credit transfer; and

^[F3](b) notice of the effect which this regulation would have, in the event of an overpayment, was given to the beneficiary or to a person acting for him—

(i) in writing, where the claim was made in writing; or

(ii) either orally or in writing, where the claim was made by telephone

^[F4]before the arrangement came into effect].]

(3) Where the arrangement was agreed to before 6th April 1987 the condition prescribed by paragraph 2(b) need not be satisfied in any case where the application for benefit to be paid by automated or other direct credit transfer contained a statement, or was accompanied by a written statement made by the applicant, which complied with the provisions of regulation 16A(3)(b) and (8) of the Social Security (Claims and Payments) Regulations 1979 or, as the case may be, regulation 7(2)(b) and (6) of the Child Benefit (Claims and Payments) Regulations 1984 ^{M1}.

^[F5](4) Where the payment mentioned in paragraph (1) is a payment of tax credit, paragraphs (1) and (2) shall apply with the modifications that—

(a) in paragraph (1) for the words “Secretary of State's” there is substituted the word “Board's”, and

(b) in paragraph (2) for the words “Secretary of State” there is substituted the word “Board”.]

Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988, PART V. (See end of Document for details)*

Textual Amendments

- F1** Reg. 11(A1) inserted (8.4.2013) by [The Social Security \(Overpayments and Recovery\) Regulations 2013 \(S.I. 2013/384\)](#), regs. 1(2)(c), **31(5)**
- F2** Words in reg. 11(1) substituted (5.10.1999 with effect in accordance with reg. 1(2)) by [The Tax Credits \(Payments on Account, Overpayments and Recovery\) \(Amendment\) Regulations 1999 \(S.I. 1999/2571\)](#), regs. 1(1), **9(2)**
- F3** Reg. 11(2)(b) substituted (2.5.2005) by [Social Security \(Claims and Payments and Payments on account, Overpayments and Recovery\) Amendment Regulations 2005 \(S.I. 2005/34\)](#), regs. 1, **3**
- F4** Words in reg. 11(2)(b) substituted (1.4.2012) by [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(4), **16**
- F5** Reg. 11(4) added (5.10.1999 with effect in accordance with reg. 1(2)) by [The Tax Credits \(Payments on Account, Overpayments and Recovery\) \(Amendment\) Regulations 1999 \(S.I. 1999/2571\)](#), regs. 1(1), **9(3)**

Marginal Citations

- M1** Both sets of provisions are in part revoked by the [Social Security \(Payments on account, Overpayments and Recovery\) Regulations 1987 \(S.I. 1987/491\)](#) and the [Social Security \(Claims and Payments\) Regulations 1987 \(S.I. 1987/1968\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988, PART V.