

STATUTORY INSTRUMENTS

1988 No. 664

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

PART IV

PREVENTION OF DUPLICATION OF PAYMENTS

Duplication and prescribed payments

8.—(1) For the purposes of section [F174(2) of the Administration Act] (recovery of amount of benefit awarded because prescribed payment not made on prescribed date), the payment of any of the following is a prescribed payment—

- [F2(za) a state pension under Part 1 of the Pensions Act 2014;]
- (a) any benefit under the Social Security Act 1975 M1 other than any gratuity or a widow's payment M2;
- (aa) [F3any personal independence payment;]
- (b) any child benefit;
- [F4(c)
- (d) any war disablement pension or war widow's pension M3 which is not in the form of a gratuity and any payment which the Secretary of State accepts as analogous to any such pension;
- (e) any allowance paid under the Job Release Act 1977 M4;
- (f) any allowance payable by or on behalf of [F5Scottish Enterprise, Highlands and Islands Enterprise or][F6the Secretary of State] to or in respect of a person for his maintenance for any period during which he is following a course of training or instruction provided or approved by [F5Scottish Enterprise, Highlands and Islands Enterprise or][F7the Secretary of State];
- (g) any payment of benefit under the legislation of any member State F8... concerning the branches of social security mentioned in Article 4(1) of Regulation (EEC) No. 1408/71[F9as amended from time to time,] on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community M5, [F10or in Article 3(1) of Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems,] whether or not the benefit has been acquired by virtue of the provisions of [F11either Regulation, as amended from time to time].
- [F12(h)
- [F13(i) any widowed parent's allowance under section 39A of the Contributions and Benefits Act;]

[^{F14}(j) any contribution-based jobseeker's allowance within the meaning of section 1(4) of the Jobseekers Act 1995.]

[^{F15}(k) payments under the Financial Assistance Scheme Regulations 2005.]

[^{F16}(l) a contributory employment and support allowance.]

(2) The prescribed date, in relation to any payment prescribed by paragraph (1) is the date by which receipt of or entitlement to that benefit would have to be notified to the Secretary of State if it were to be taken into account in determining, whether on review or otherwise, the amount of or entitlement to income support^[F17], [^{F18}universal credit,] or state pension credit^[F19], or income-based jobseeker's allowance^[F20] or income-related employment and support allowance].

Textual Amendments

- F1** Words in reg. 8(1) substituted (18.3.2005) by [Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **10(4)(a)**
- F2** Reg. 8(1)(za) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **11(4)**
- F3** Reg. 8(1)(aa) inserted (8.4.2013) by [The Social Security \(Overpayments and Recovery\) Regulations 2013 \(S.I. 2013/384\)](#), regs. 1(2)(c), **31(4)(a)**
- F4** Reg. 8(1)(c) omitted (5.10.1999 with effect in accordance with reg. 1(2)) by virtue of [The Tax Credits \(Payments on Account, Overpayments and Recovery\) \(Amendment\) Regulations 1999 \(S.I. 1999/2571\)](#), regs. 1(1), **8**
- F5** Words in reg. 8(1)(f) added (1.4.1991) by [The Enterprise \(Scotland\) Consequential Amendments Order 1991 \(S.I. 1991/387\)](#), arts. 1, **14**
- F6** Words in reg. 8(1)(f) substituted (16.11.89) by the [Employment Act 1989](#), 1989 c.38, ss. 30, 22(5), **sch. 5 paras. 1 & 4**
- F7** Words in reg. 8(1)(f) substituted (16.11.89) by the [Employment Act 1989](#), 1989 c.38, ss. 30, 22(5), **sch. 5 paras. 1 & 4**
- F8** Words in reg. 8(1)(g) omitted (31.12.2020) by virtue of [The Social Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/128\)](#), reg. 1(2), Sch. paras. 5(2)(3); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 8(1)(g) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, Sch. para. 7(2)(a)(3)
- F10** Words in reg. 8(1)(g) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, Sch. para. 7(2)(b)(3)
- F11** Words in reg. 8(1)(g) substituted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) Regulations 2018 \(S.I. 2018/1084\)](#), reg. 1, Sch. para. 7(2)(c)(3)
- F12** Reg. 8(1)(h) omitted (5.10.1999 with effect in accordance with reg. 1(2)) by virtue of [The Tax Credits \(Payments on Account, Overpayments and Recovery\) \(Amendment\) Regulations 1999 \(S.I. 1999/2571\)](#), regs. 1(1), **8**
- F13** Reg. 8(1)(i) substituted (6.4.2017 coming into force in accordance with art. 1-3) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **13(3)**
- F14** Reg. 8(1)(j) added (18.3.2005) by [Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **10(4)(b)**
- F15** Reg. 8(1)(k) added (19.1.2006) by [Social Security \(Payments on account, Overpayments and Recovery\) Amendment Regulations 2005 \(S.I. 2005/3476\)](#), regs. 1, **2**
- F16** Reg. 8(1)(l) added (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **52(7)(a)**
- F17** Words in reg. 8(2) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **24(5)**, **24(6)(b)**

- F18** Words in reg. 8(2) inserted (29.4.2013) by *The Social Security (Overpayments and Recovery) Regulations 2013 (S.I. 2013/384)*, regs. 1(3), **31(4)(b)**
- F19** Words in reg. 8(2) inserted (7.10.1996) by *The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345)*, regs. 1, **23(5)**, 23(6)(b)
- F20** Words in reg. 8(2) added (27.10.2008) by *Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554)*, regs. 1(2)(b), **52(7)(b)**

Modifications etc. (not altering text)

- C1** Reg. 8(2) modified (1st June, 5th July, 6th September, 5th and 18th October and 29th November 1999) by the *Social Security Act 1998, 1999/1958, 2422, 2739, 2860 and 3178, Sch.9 para. 4*

Marginal Citations

- M1** 1975 c. 14.
- M2** Section 24 of the *Social Security Act 1975* inserted by section 36 of the Act.
- M3** "War disablement pension" and "war widow's pension" are each defined in section 84(1) of the *Social Security Act 1986 (c. 50)*.
- M4** 1977 c. 8.
- M5** O.J. No. L149, 5.7.1971; Regulations No. 1408/71 and No. 574/72 were restated in amended form in Regulation No. 2001/83 (O.J. No. L230, 22.8.1983) and further amended by Council Regulation (EEC) No. 1660/85 (O.J. No. L160, 20.6.1985), Council Regulation (EEC) No. 1661/85 (O.J. No. L160, 20.6.1985) and Commission Regulation (EEC) No. 513/86 (O.J. No. L57, 28.2.1986).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988, Section 8.