

This Statutory Instrument has been made in consequence of a defect in S.I. 1997/2435 and is being issued free of charge to all known recipients of that statutory instrument.

STATUTORY INSTRUMENTS

1998 No. 2454

SOCIAL SECURITY

The Housing Benefit (Recovery of Overpayments) Amendment Regulations 1998

<i>Made</i>	- - - -	<i>5th October 1998</i>
<i>Laid before Parliament</i>		<i>9th October 1998</i>
<i>Coming into force</i>	- -	<i>30th October 1998</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 75(3) to (7), 189(4) to (6) and 191 of the Social Security Administration Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽²⁾ and after consultation with organisations appearing to him to be representative of the authorities concerned⁽³⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations which may be cited as the Housing Benefit (Recovery of Overpayments) Amendment Regulations 1998 shall come into force on 30th October 1998.

Amendment of the Housing Benefit (Recovery of Overpayments) Regulations 1997

2. Regulation 3 of the Housing Benefit (Recovery of Overpayments) Regulations 1997⁽⁴⁾ (restriction on recovery of rent and consequent notifications) shall be amended in the following manner—

- (a) in paragraph (2) for the word “recovered” there shall be substituted the word “recoverable”;
- (b) in paragraph (3)—

(1) 1992 c. 5; subsections (5) to (7) were added to section 75 by section 16 of the Social Security Administration (Fraud) Act 1997 (c. 47); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) See the Social Security Administration Act 1992 section 173(1)(b).
(3) See the Social Security Administration Act 1992 section 176(1).
(4) S.I. 1997/2435.

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- (i) after the words “paragraph (2) applies” the first time they appear, there shall be inserted the words “or will apply when recovery is made,”; and
- (ii) in sub-paragraph (a) for the words “was one” there shall be substituted the words “is or will be one”.

Signed by authority of the Secretary of State for Social Security.

5th October 1998

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (Recovery of Overpayments) Regulations 1997 ([S.I. 1997/2435](#)) so that where an overpayment of housing benefit has been or will be recovered by an authority from a landlord, both the landlord and the tenant must be notified of the effect of the recovery with respect to the tenant's obligations to his landlord.

These regulations do not impose a charge upon businesses.