
STATUTORY INSTRUMENTS

2003 No. 492

**The Child Benefit and Guardian's Allowance
(Administration) Regulations 2003**

PART 5

OVERPAYMENTS AND RECOVERY

Recovery of overpaid interim payments

42.—(1) Subject to paragraph (2), if the adjudicating authority, in the circumstances specified in either of paragraphs (3) and (4), has determined that an interim payment has been overpaid, it shall determine the amount of the overpayment.

(2) Paragraph (1) does not apply unless the Board have given the notice required by regulation 22(3).

(3) The circumstances specified in this paragraph are where an interim payment has been made under regulation 22(1)(a) and (b) and—

- (a) the recipient has failed to make a claim in accordance with these Regulations as soon as practicable;
- (b) the recipient has made a defective application and the Board have not treated the claim as duly made under regulation 10;
- (c) it has been determined that—
 - (i) there is no entitlement on the claim;
 - (ii) the entitlement is less than the amount of the interim payment; or
 - (iii) the benefit or allowance on the claim is not payable; or
- (d) the claim has been withdrawn.

(4) The circumstances specified in this paragraph are where an interim payment has been made under regulation 22(1)(c) which exceeds the entitlement under the award of benefit on account of which the interim payment was made.

(5) The amount of any overpayment determined under paragraph (1) shall be recoverable by the Board in the same manner as it would be if it were recoverable under—

- (a) in relation to child benefit or guardian's allowance under the Contributions and Benefits Act, section 71(1) of the Administration Act;
- (b) in relation to child benefit or guardian's allowance under the Contributions and Benefits (NI) Act, section 69(1) of the Administration (NI) Act.

Commencement Information

II [Reg. 42](#) in force at 7.4.2003, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, Section 42.