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## STATUTORY INSTRUMENTS

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# 2006 No. 214

## The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

### PART 12

#### Overpayments

##### Recovery of overpayments from prescribed benefits

**86.**—(1) For the purposes of section 75(4) of the Administration Act (recovery of overpaid housing benefit by deduction from other benefits), the benefits prescribed by this regulation are—

- (a) any benefit except guardian's allowance;
- (b) income support under Part 7 of the Act;
- (c) any benefit payable under the legislation of any member State other than the United Kingdom concerning the branches of social security mentioned in Article 4(1) of Regulation (EEC) No 1408/71<sup>F1</sup> on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, whether or not the benefit has been acquired by virtue of the provisions of that Regulation;
- (d) a jobseeker's allowance;
- (e) state pension credit.

[<sup>F2</sup>(f) an employment and support allowance.]

[<sup>F3</sup>(1A) For the purposes of paragraph (1)(c) the term “member State” shall be understood to include Switzerland in accordance with and subject to the provisions of Annex II of the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons, signed at Brussels on 21st June 1999. ]

(2) Where the Secretary of State is satisfied that—

- (a) a recoverable overpayment of housing benefit has been made, in consequence of a misrepresentation of or failure to disclose a material fact (in either case whether fraudulently or otherwise), by or on behalf of a claimant or any other person to whom a payment of housing benefit has been made; and
- (b) the person who misrepresented that fact or failed to disclose it is receiving a sufficient amount of one or more of the benefits prescribed in paragraph (1) to enable deductions to be made for the recovery of the overpayment,

he shall, if requested to do so by an authority under regulation 83 (method of recovery), recover the overpayment by deduction from any of those benefits.

(3) In paragraph (1)(a), “benefit” has the meaning it has in section 122(1) of the Act.

*Status: Point in time view as at 30/10/2008. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, Section 86. (See end of Document for details)*

### Textual Amendments

- F1** 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. 1661/85 (O.J. No. L160, 20.6.1985) and Commission Regulation (EEC) No. 513/86 (O.J. No. L51, 28.2.1986).
- F2** [Reg. 86\(1\)\(f\)](#) added (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **39**
- F3** [Reg. 86\(1A\)](#) inserted by SI 2005/2904 reg. 9 (as amended) (10.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 29(10)** (with regs. 2, 3, Sch. 3, Sch. 4)

**Status:**

Point in time view as at 30/10/2008. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, Section 86.