

STATUTORY INSTRUMENTS

2006 No. 215

The Council Tax Benefit Regulations 2006

PART 11

Excess benefit

Methods of recovery

86.—(1) Without prejudice to any other method of recovery a relevant authority may recover any recoverable excess benefit ^{F1}... by any of the methods specified in paragraph (2) and (3) or any combination of those methods.

(2) Excess benefit may be recovered^{F2}...—

- (a) by payment by or on behalf of the [^{F3}claimant or the person to whom the excess benefit was allowed]; or
- (b) by an addition being made by the relevant authority to any amount payable in respect of the council tax concerned.

[^{F4}(3) Where recoverable excess benefit cannot be recovered by either of the methods specified in paragraph (2), the relevant authority may request the Secretary of State to recover the outstanding excess—

- (a) from the benefits prescribed in regulation 90(1); or
- (b) where the claimant has one or more partners, from the benefits prescribed in regulation [^{F5}90(1B)], provided that the claimant and that partner were a couple both at the time the excess benefit was allowed and when the deduction is made.]

Textual Amendments

- F1** Words in reg. 86(1) omitted (6.4.2009) by virtue of [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2008](#) (S.I. 2008/2824), regs. 1(2), **6(3)(a)**
- F2** Word in reg. 86(2) omitted (6.4.2009) by virtue of [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2008](#) (S.I. 2008/2824), regs. 1(2), **6(3)(b)(i)**
- F3** Words in reg. 86(2) substituted (6.4.2009) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2008](#) (S.I. 2008/2824), regs. 1(2), **6(3)(b)(ii)**
- F4** Reg. 86(3) substituted (6.4.2009) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2008](#) (S.I. 2008/2824), regs. 1(2), **6(3)(c)**
- F5** Word in reg. 86(3)(b) substituted (1.4.2012) by [The Social Security \(Recovery\) \(Amendment\) Regulations 2012](#) (S.I. 2012/645), regs. 1(1), **4(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 86.