
STATUTORY INSTRUMENTS

2014 No. 591

**The Social Security (Miscellaneous
Amendments) Regulations 2014**

Amendment of the Social Security (Penalty Notice) Regulations 1997

5.—(1) Regulation 2 (notice) of the Social Security (Penalty Notice) Regulations 1997(1) is amended as follows.

(2) In paragraph (1)—

- (a) after “1992” insert “(“the 1992 Act”) in a case to which section 115A(1) of that Act applies”;
- (b) in paragraph (a)—
 - (i) omit “only”;
 - (ii) after “71,” insert “71ZB,”;
- (c) in paragraph (b), omit “only”;
- (d) in paragraph (c), for “30 per cent of the amount of the overpayment,” substitute “50 per cent of the amount of the overpayment (subject to the maximum and minimum amounts prescribed in section 115A(3) of the 1992 Act)”;
- (e) in paragraph (d), for “28” substitute “14”.

(3) After paragraph (1) insert—

“(1A) Where the Secretary of State or authority gives to a person written notice under section 115A(2) of the 1992 Act in a case to which section 115(1A) of that Act applies, the notice shall contain the information that—

- (a) the penalty applies where it appears to the Secretary of State or authority that there are grounds for instituting proceedings against the person for an offence relating to an act or omission on the part of the person in relation to any benefit;
- (b) if an overpayment attributable to the act or omission had been made, the overpayment would have been recoverable under section 71, 71ZB, 71A, 75 or 76 of the 1992 Act;
- (c) the penalty is £350;
- (d) a person who agrees to pay the penalty may withdraw the agreement within 14 days (including the date of the agreement) by notifying the Secretary of State or authority in the manner specified by the Secretary of State or authority; if the person withdraws the agreement, so much of the penalty as has already been recovered shall be repaid and he will no longer be immune from proceedings for an offence;
- (e) if it is decided on review or appeal (or in accordance with regulations) that any overpayment attributable to the act or omission would not have been recoverable or due, so much of the penalty as has already been recovered shall be repaid;

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- (f) the payment of a penalty does not give the person immunity from prosecution in relation to any overpayment or any other offence not relating to an overpayment.”.
- (4) In paragraph (2), after “The notice” insert “in either case”.
- (5) The amendments made by paragraphs (2) to (4) apply only where the offence in respect of which the notice is given is committed wholly on or after 8th May 2012.