STATUTORY INSTRUMENTS

2015 No. 499

SOCIAL SECURITY

The Social Security (Overpayments and Recovery) Amendment Regulations 2015

Made - - - -	*4th March 2015*
Laid before Parliament	*6th March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 71(8), (9A) and (9C), 71ZA, 71ZD, 75(8) and (10), 78(3C) and (3E), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992 (**1**) ("the Act").

In accordance with section 173(1) of the Act, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

In relation to provisions in these Regulations relating to housing benefit, in accordance with section 176(1) of the Act(**2**), consultation has taken place with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Social Security (Overpayments and Recovery) Amendment Regulations 2015 and come into force on 6th April 2015.

(**1**) 1992 c.5. Section 71(8) was amended by section 107 of the Welfare Reform Act 2012 (c.24) ("the 2012 Act"). Section 71ZA was inserted by section 75(1) of the Social Security Act 1998 (c.14) ("the 1998 Act"). Section 71ZD was inserted by section 105 of the 2012 Act and sections 71(9A) to (9C), 71ZA(2A), 75(8) to (10) and 78(3C) to (3E) were inserted by section 106 of that Act. Section 189(1) and (4) to (6) were amended by paragraph 109(a) and (c) to (e) of Schedule 7, and Schedule 8, to the 1998 Act, paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 191 is cited for the definition of "prescribe ".

(**2**) Section 176(1) is amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c.52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c.19).

Amendment of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988

2.—(1) Regulation 16 of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988(**3**)(limitations on deductions from prescribed benefits) is amended as follows.

(2) In paragraph (4) omit ", subject to paragraphs 8 and 9 of Schedule 9 to the Claims and Payments Regulations,".

(3) In paragraph (5) for "shall be 5 times" substitute "shall, subject to paragraph (5ZA), be 8 times".

(4) After paragraph (5) insert—

"(5ZA) In a case to which paragraph (5) applies, where deductions fall to be made under Schedule 9 to the Claims and Payments Regulations (payments to third parties), the total of the amount deductible under paragraph (5) and the amount deductible under that Schedule shall not exceed 8 times 5 per cent. of the personal allowance mentioned in paragraph (5).

(5ZB) Paragraph (4)(b) is subject to paragraphs 8 and 9 of Schedule 9 to the Claims and Payments Regulations.".

Amendment of the Social Security (Overpayments and Recovery) Regulations 2013

3. The Social Security (Overpayments and Recovery) Regulations 2013(**4**) are amended in accordance with regulations 4 to 8 below.

Amendment of regulation 19

4. In regulation 19(2) (notices) for sub-paragraph (e) substitute—

"(e) the deduction or rate of deduction to be made in accordance with regulation 20.".

Amendment of regulation 20

5.—(1) Regulation 20 (amount to be deducted by employer) is amended as follows.

(2) In paragraphs (2), (4), (6) and (8), after "paragraph (3)", wherever it occurs, insert "or (3B)".

(3) In paragraph (3), for "The amount to be deducted is—" substitute "Except where paragraph (3B) applies, the amount to be deducted is—".

(4) After paragraph (3) insert—

"(3A) Paragraph (3B) applies where deductions from earnings are made to recover from the liable person the whole or part of an overpayment in respect of which the liable person has been found guilty of an offence whether under statute or otherwise.

(3B) Where this paragraph applies, the amount to be deducted by the employer is—

(a) where the liable person's earnings are payable weekly, the percentage of their earnings specified in column 2 of Table C in Schedule 2 opposite the band in column 1 of that Table within which their net earnings payable on their pay-day fall;

(b) where the liable person's earnings are payable monthly, the percentage of their earnings specified in column 2 of Table D in Schedule 2 opposite the band in column 1 of that Table within which their net earnings payable on their pay-day fall; or

(**3**) S.I. 1988/664; in respect of regulation 16, the relevant amending instruments are S.I. 1996/1345, 2000/2336 and 2012/645.
(**4**) S.I. 2013/384; relevant amending instrument is S.I. 2013/1508.