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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 224**

**The Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016**

**PART 1**

**General**

**Citation and commencement**

**1.—(1)** These Regulations may be cited as the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016.

**(2)** The following provisions come into operation on 20th June 2016—

- (a)** this Part;
- (b)** Part 6;
- (c)** regulation 31 except paragraphs (2)(c), (d) and (f), (4)(b), and paragraph (7) in so far as it relates to universal credit;
- (d)** regulation 32(1), (2) in so far as it relates to personal independence payment, and (3); and
- (e)** regulation 33(1), (2) in so far as it relates to personal independence payment, and (3).

**(3)** All other provisions come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(1).

**Interpretation**

**2.—(1)** In these Regulations—

“the 2007 Act” means the Welfare Reform Act (Northern Ireland) 2007(2);

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the Claims and Payments Regulations” means the Universal Credit, Personal Independence payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(3);

“assessment period” has the same meaning as in the Universal Credit Regulations;

“claimant” means the person who has claimed the benefit concerned;

“couple” has the same meaning as in Part 2 of the 2015 Order;

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(1) [S.R. 2016 No. 216](#).

(2) [2007 c. 2 \(N.I.\)](#).

(3) [S.R. 2016 No. 220](#).

“employment and support allowance” means an allowance under Part 1 of the 2007 Act (as amended by Schedule 3 and Part 1 of Schedule 12 to the 2015 Order that remove references to an income-related allowance);

“housing costs” means any amount included in an award of universal credit in respect of rent payments as defined in paragraph 2 of Schedule 1 to the Universal Credit Regulations;

“jobseeker’s allowance” means an allowance under the Jobseekers Order (as amended by Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based allowance);

“the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995<sup>(4)</sup>;

“liable person” means the person from whom a recoverable amount is recoverable;

“overpayment” means an amount of—

(a) universal credit, jobseeker’s allowance or employment and support allowance which may be recovered by the Department by virtue of section 69ZB(1) of the Administration Act;

(b) working tax credit or child tax credit which may be recovered under section 29 of the Tax Credits Act 2002<sup>(5)</sup> as modified by regulation 10(4) of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016<sup>(6)</sup>;

“overpayment period” means the period over which an overpayment accrues;

“partner” means, where the person being referred to is a member of a couple, the other member of the couple;

“recoverable amount” is to be construed in accordance with regulation 3;

“universal credit” means universal credit under Part 2 of the 2015 Order;

“the Universal Credit Regulations” means the Universal Credit Regulations (Northern Ireland) 2016.

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954<sup>(7)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

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(4) S.I. 1995/2705 (N.I. 15).

(5) 2002 c. 21.

(6) S.R. 2016 No. 226.

(7) 1954 c. 33 (N.I.).