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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations implement provisions of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) (“the Order”) in relation to the recovery of overpayments of housing benefit.

Regulation 2 prescribes from which benefits such recovery may be made.

Regulation 3 provides that where the overpayment is being recovered from the landlord of a claimant in relation to whose claim for housing benefit that overpayment arose, the liability of that claimant to that landlord shall nonetheless continue to be discharged to the extent of the overpayment recovered in cases where the landlord has either agreed to pay a penalty as an alternative to prosecution or has been prosecuted in relation to that overpayment and that both that landlord and the claimant shall be notified of this.

Regulation 4 amends Schedule 6 to the Housing Benefit (General) Regulations (Northern Ireland) 1987, which provides for the content of notices of determination. It requires the Northern Ireland Housing Executive (“the Executive”), when determining to make payments of housing benefit to a claimant’s landlord, to inform both landlords and claimants that overpayments of housing benefit due from that landlord, in relation to such benefit paid in respect of other claimants, may be recovered from that landlord by deduction from such direct payments, but that the obligation of the claimant, in respect of whom that benefit is being paid, shall nonetheless be discharged to the value of the benefit that would, were it not for that recovery, have been paid. It also requires the Executive, when notifying a landlord that an overpayment is recoverable from him and is to be made by deduction of direct payments made to him, to identify both the person on whose behalf the recoverable amount was paid to that landlord and the claimant from whose directly paid benefit the recovery is to be made.

Sub-sections (5) to (7) of section 73 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (“the Administration Act”), are some of the enabling provisions under which these Regulations are made, and are added by Article 15 of the Order which is brought into operation, for the purpose only of authorising the making of regulations on 8th October 1997, by virtue of the Social Security Administration (Fraud) (1997 Order) (Commencement No. 2) Order (Northern Ireland) 1997 (S.R. 1997 No. 449 (C. 26)). As the Regulations are made before the end of a period of 6 months from the commencement of that Article they are accordingly exempt, by virtue of section 150(5)(b) of the Administration Act, from reference to the Social Security Advisory Committee.