
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 224

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

PART 5

The process of recovery

Recovery by deduction from universal credit

11.—(1) The following paragraphs apply where the recoverable amount falls to be recovered by deduction from universal credit payable to the liable person.

(2) Subject to paragraphs (5) to (9), regulation 10 is to apply to the amount of universal credit to which the liable person is presently entitled to the extent that there may be recovered in any one assessment period—

- (a) in a case to which paragraph (3) applies, an amount equivalent to not more than 40 per cent. of the appropriate universal credit standard allowance;
- (b) in a case to which paragraph (4) applies but paragraph (3) does not apply, an amount equivalent to not more than 25 per cent. of the appropriate universal credit standard allowance; and
- (c) in any other case, an amount equivalent to not more than 15 per cent. of the appropriate universal credit standard allowance.

(3) This paragraph applies where deductions from universal credit are made to recover from the liable person—

- (a) the whole or part of an overpayment in respect of which the liable person has—
 - (i) been found guilty of an offence whether under statute or otherwise,
 - (ii) made an admission after caution of deception or fraud for the purpose of obtaining benefit under the Administration Act or a tax credit under the Tax Credits Act 2002, or
 - (iii) agreed to pay a penalty under section 109A of the Administration Act⁽¹⁾ (penalty as alternative to prosecution) and the agreement has not been withdrawn; or
- (b) a payment which is recoverable by virtue of section 69ZH of the Administration Act (recovery of hardship payments etc.).

(4) This paragraph applies where amounts are deducted from earned income in an award of universal credit by virtue of regulation 23(1)(b) of the Universal Credit Regulations (deduction of income and work allowance).

(5) Paragraph (2) is subject to paragraphs 4 and 5 of Schedule 5 to the Claims and Payments Regulations (deductions from benefit and direct payment to third parties).

(1) Section 109A was inserted by Article 14 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and amended by section 13 of the Social Security Fraud Act (Northern Ireland) 2001.

(6) For the purpose of paragraph (2), where the relevant percentage of the appropriate universal credit standard allowance results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny otherwise it is to be treated as a penny.

(7) No deduction under paragraph (2) is to be applied so as to reduce the universal credit in respect of an assessment period to less than one penny.

(8) The limitations in paragraph (2) do not apply where the deduction falls to be made from any payment of arrears of universal credit other than any arrears caused by the operation of regulation 45 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016⁽²⁾ (making of payments which have been suspended).

(9) The limitations in paragraph (2) do not apply where—

- (a) the recoverable amount is an overpayment of housing costs; and
- (b) the person from whom that amount falls to be recovered is not the claimant.

(10) In this regulation and regulation 14 “admission after caution” means an admission after a caution has been administered in accordance with a Code issued under the Police and Criminal Evidence (Northern Ireland) Order 1989⁽³⁾.

(11) In paragraph (2) “the appropriate universal credit standard allowance” means the appropriate universal credit standard allowance included in the award of universal credit made to the liable person, or to the liable person and that person's partner as joint claimants⁽⁴⁾ by virtue of regulation 38 of the Universal Credit Regulations (amounts of elements).

(2) [S.R. 2016 No. 221](#).

(3) [S.I. 1989/1341 \(N.I. 12\)](#).

(4) See Article 46 of the Welfare Reform (Northern Ireland) Order 2015 for the definition of “joint claimants”.