



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART III

#### OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

##### *Misrepresentation etc.*

#### **72 Special provision as to recovery of income support**

(1) Where—

- (a) a direction under section 125(1) of the Contributions and Benefits Act is revoked; and
- (b) it is determined by an adjudication officer that, whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact and in consequence of the misrepresentation or failure a payment of income support has been made during the relevant period to the person to whom the direction related,

an adjudication officer may determine that the Secretary of State shall be entitled to recover the amount of the payment.

(2) In subsection (1) above “the relevant period” means—

- (a) if the revocation is under subsection (3) of section 125 of the Contributions and Benefits Act, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
- (b) if the revocation is under subsection (4) of that section, the period during which the direction was in force.

(3) Where a direction under section 125(1) of the Contributions and Benefits Act is revoked, the Secretary of State may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.

(4) If he certifies that there has been such misrepresentation or failure to disclose, he may also certify—

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*Status: This is the original version (as it was originally enacted).*

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- (a) who made the misrepresentation or failed to make the disclosure; and
  - (b) whether or not a payment of income support has been made in consequence of the misrepresentation or failure.
- (5) If he certifies that a payment has been made, he may certify the period during which income support would not have been paid but for the misrepresentation or failure to disclose.
- (6) A certificate under this section shall be conclusive for the purposes of this section as to any matter certified.
- (7) Section 71(3) and (6) to (11) above apply to income support recoverable under subsection (1) above as they apply to income support recoverable under section 71(1) above.
- (8) The other provisions of section 71 above do not apply to income support recoverable under subsection (1) above.