



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART III

OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

Adjustments of benefits

72 Income support and other payments.

(1) Where—

- (a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount which has been paid by way of income support [^{F1}, an income-based jobseeker's allowance [^{F2}, state pension credit or an income-related employment and support allowance]] would not have been paid if the payment had been made on the prescribed date,

the Department shall be entitled to recover that amount from the person to whom it was paid.

(2) Where—

- (a) a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any [^{F3} member State] is not made on or before the date which is the prescribed date in relation to the payment; and
- (b) it is determined that an amount (“the relevant amount”) has been paid by way of [^{F4} universal credit or] income support [^{F5}, an income-based jobseeker's allowance [^{F6}, state pension credit or an income-related employment and support allowance]] that would not have been paid if the payment mentioned in paragraph (a) above had been made on the prescribed date,

then—

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- (i) in the case of a payment from public funds in the United Kingdom, the authority responsible for making it may abate it by the relevant amount; and
 - (ii) in the case of any other payment, the Department shall be entitled to receive the relevant amount out of the payment.
- (3) Where—
- (a) a person (in this subsection referred to as A) is entitled to any prescribed benefit for any period in respect of another person (in this subsection referred to as B); and
 - (b) either—
 - (i) B has received income support [^{F7}, an income-based jobseeker's allowance or an income-related employment and support allowance] for that period; or
 - (ii) B was, during that period, a member of the same family as some person other than A who received income support [^{F7}, an income-based jobseeker's allowance or an income-related employment and support allowance] for that period; and
 - (c) the amount of the income support [^{F8}, an income-based jobseeker's allowance or an income-related employment and support allowance] has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of the prescribed benefit,
- the amount of the prescribed benefit may, at the discretion of the authority administering it, be abated by the amount by which the amounts paid by way of income support [^{F9}, an income-based jobseeker's allowance or an income-related employment and support allowance] exceed what it is determined that they would have been had A, at the time the amount of the income support [^{F9}, an income-based jobseeker's allowance or an income-related employment and support allowance] was determined, been making payments for the maintenance of B at a rate equal to the amount of the prescribed benefit.
- (4) Where an amount could have been recovered by abatement by virtue of subsection (2) or (3) above but has not been so recovered, the Department may recover it otherwise than by way of abatement—
- (a) in the case of an amount which could have been recovered by virtue of subsection (2) above, from the person to whom it was paid; and
 - (b) in the case of an amount which could have been recovered by virtue of subsection (3) above, from the person to whom the prescribed benefit in question was paid.
- (5) Where a payment is made in a currency other than sterling, its value in sterling shall be determined for the purposes of this section in accordance with regulations.

Textual Amendments

- F1** Words in s. 72(1)(b) substituted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\), ss. 14, 21\(2\), Sch. 2 para. 11\(a\); S.R. 2002/366, art. 2; S.R. 2003/373, art. 2](#)
- F2** Words in s. 72(1)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\), s. 60\(1\), Sch. 3 para. 4\(8\)\(a\); S.R. 2008/276, art. 2\(2\)\(c\), Sch. Pt. 1](#)
- F3** Words in s. 72(2)(a) substituted (31.12.2020) by [The Social Security \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/129\), regs. 1\(2\), 3\(3\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

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- F4** Words in s. 72(2)(b) inserted (19.8.2021) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 7**; S.R. 2021/239, art. 2
- F5** Words in s. 72(2)(b) substituted (2.12.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 para. 11(b)**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2
- F6** Words in s. 72(2)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(8)(a)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1
- F7** Words in s. 72(3)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(8)(b)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1
- F8** Words in s. 72(3)(c) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/413), regs. 1(1), **2**
- F9** Words in s. 72(3) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/413), regs. 1(1), **2**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 72 title words substituted by 2010 c. 13 (N.I.) Sch. 2 para. 1
- s. 72(1)(b) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- s. 72(1)(b) words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 72(2)(b) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- s. 72(2)(b) words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 72(3) repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 72(3) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- s. 72(3)(b)(i)(ii) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- s. 72(3)(c) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- s. 72(4) words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 72(4)(b) and word repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2018/1125 reg. 8 (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by S.R. 2019/211 art. 2(2)(a) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 2A(9) added by 2010 c. 13 (N.I.) Sch. 1 para. 24
- s. 2G(1)(d) inserted by S.I. 2015/2006 (N.I.) art. 65(5)
- s. 5(1A)-(1C) inserted by 2010 c. 13 (N.I.) s. 18(2)(c)
- s. 31A(1A) words substituted by S.I. 2015/2006 (N.I.) Sch. 4 para. 11(a)(ii)
- s. 104A(1A)-(1C) inserted by 2007 c. 2 (N.I.) s. 42(3)
- s. 110A inserted by 2007 c. 2 (N.I.) s. 43
- s. 110A repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 110A heading word inserted by S.I. 2015/2006 (N.I.) art. 114(4)
- s. 110A(2) words substituted by S.I. 2015/2006 (N.I.) art. 114(5)(a)
- s. 110A(2)(b) words substituted by S.I. 2015/2006 (N.I.) art. 114(5)(b)
- s. 110A(4)(b) words substituted by S.I. 2015/2006 (N.I.) art. 114(6)
- s. 110ZA inserted by S.I. 2015/2006 (N.I.) art. 114(2)
- s. 110ZA repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 116E and cross-heading inserted by 2010 c. 13 (N.I.) s. 16(3)
- s. 126(2)-(2B) substituted for s. 126(2) by 2007 c. 2 (N.I.) s. 35
- s. 130AB inserted by 2008 c. 13 (N.I.) Sch. 3 para. 14
- s. 140C inserted by S.I. 2015/2006 (N.I.) Sch. 2 para. 20
- s. 166(2)(ac) inserted by 2010 c. 13 (N.I.) s. 17