



# Social Security Administration (Fraud) Act 1997

## 1997 CHAPTER 47

### *Offences, penalties and overpayments*

#### **16 Recovery of overpaid housing benefit.**

In section 75 of the <sup>M1</sup>Social Security Administration Act 1992 (recovery of overpayments of housing benefit), after subsection (4) insert—

- “(5) Where an amount paid to a person on behalf of another person is recoverable under this section, subsections (3) and (4) above authorise its recovery from the person to whom it was paid by deduction—
- (a) from prescribed benefits to which he is entitled;
  - (b) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by the person on whose behalf the recoverable amount was paid; or
  - (c) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by any other person.
- (6) Where an amount is recovered as mentioned in paragraph (b) of subsection (5) above, the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction; and where an amount is recovered as mentioned in paragraph (c) of that subsection, the obligation specified in that paragraph shall in all cases be taken to be so discharged.
- (7) Where any amount recoverable under this section is to be recovered otherwise than by deduction from prescribed benefits—
- (a) if the person from whom it is recoverable resides in England and Wales and the county court so orders, it is recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court; and

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**Changes to legislation:** Social Security Administration (Fraud) Act 1997, Section 16 is up to date with all changes known to be in force on or before 07 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) if he resides in Scotland, it may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.”

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**Commencement Information**

- I1** S. 16 wholly in force; s. 16 not in force at Royal Assent, see. s. 25; s. 16 in force at 8.10.1997 for the purpose of regulations and 3.11.1997 for all other purposes by S.I. 1997/2417, art. 2(2)

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**Marginal Citations**

- M1** 1992 c. 5.

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**Changes and effects yet to be applied to :**

- s. 16 repealed by [2012 c. 5 Sch. 14 Pt. 1](#)