
STATUTORY INSTRUMENTS

1996 No. 2349

The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996

PART IV

DETERMINATION ^{F1}... OF BENEFIT RECOUPED

F1 Words omitted from the heading by para. 1 of Sch. 14 to S.S. 1999/3178 as from 29.11.99.

Provisions relating to determination of amount paid by way of or paid as on account of benefit

10.—(1) Without prejudice to the right of the Secretary of State to recover from an employer the recoupable benefit, an employee on whom a copy of a recoupment notice has been served in accordance with Regulation 8 above may, within 21 days of the date on which such notice was served on him or within such further time as the Secretary of State may for special reasons allow, give notice in writing to the Secretary of State that he does not accept that the amount specified in the recoupment notice in respect of jobseeker's allowance^{F2}, income-related employment and support allowance^{F3}, universal credit^{F3} or income support is correct.

^{F4}(2) Where an employee has given notice in writing to the Secretary of State under paragraph (1) above that he does not accept that an amount specified in the recoupment notice is correct, the Secretary of State shall make a decision as to the amount of jobseeker's allowance^{F2}, income-related employment and support allowance^{F3}, universal credit^{F3} or, as the case may be, income support paid in respect of the period to which the prescribed element is attributable or, as appropriate, in respect of so much of the protected period as falls before the date on which the employer complies with Regulation 6 above.

(2A) The Secretary of State may revise either upon application made for the purpose or on his own initiative a decision under paragraph (2) above.

(2B) The employee shall have a right of appeal to^{F5}the First-tier Tribunal against a decision of the Secretary of State whether as originally made under paragraph (2) or as revised under paragraph (2A) above.

(2C) The Social Security and Child Support (Decisions and Appeals) Regulations 1999 shall apply for the purposes of paragraphs (2A) and (2B) above as though a decision of the Secretary of State under paragraph (2A) above were made under section 9 of the 1998 Act and any appeal from such a decision were made under section 12 of that Act.

(2D) In this Regulation "the 1998 Act" means the Social Security Act 1998.

(3) Where the Secretary of State recovers too much money from an employer under these Regulations the Secretary of State shall pay to the employee an amount equal to the excess.]

(4) In any case where, after the Secretary of State has recovered from an employer any amount by way of recoupment of benefit, the decision given by the industrial tribunal in consequence

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of which such recoupment took place is set aside or varied on appeal or on a re-hearing by the industrial tribunal, the Secretary of State shall make such repayment to the employer or payment to the employee of the whole or part of the amount recovered as he is satisfied should properly be made having regard to the decision given on appeal or re-hearing.

- F2** Words in reg. 10(1)(2) inserted (1.11.2010) by [Social Security \(Miscellaneous Amendments\) \(No.5\) Regulations 2010 \(S.I. 2010/2429\)](#), regs. 1(2), **5(d)**
- F3** Words in reg. 10(1)(2) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **50(7)**
- F4** Regs. 10 (2) (3) substituted (29.11.99) by S.I. 1999/3178 , reg. 2, Sch. 14, para. 2.
- F5** Words in reg. 10(2B) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 73**

Revocation and Transition Provision

11.—(1) The Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations 1977 ^{M1} are hereby revoked.

(2) Regulation 11(1) shall not have effect in relation to awards or parts of awards made by an industrial tribunal after the date these Regulations come into force where the award or part of the award is in respect of a period before that date.

Marginal Citations

- M1** [S.I. 1977/674](#) as amended by [S.I. 1980/1608](#), 1984/458 and 1988/419.

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Changes and effects yet to be applied to :

- rev.in pt. and amended by [S.I. 1999/3178 art.3\(1\)\(14\)](#)[Sch. 14](#)