

SCHEDULE 8

Article 3(9)

MODIFICATION OF THE SOCIAL SECURITY (PAYMENTS ON ACCOUNT, OVERPAYMENTS AND RECOVERY) REGULATIONS 1988

1. As if in regulation 1(2)(1) (interpretation), for the definition of “adjudicating authority” there were substituted the following definition—

““adjudicating authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998, the Chief or other Commissioner, or a tribunal consisting of any three or more Commissioners constituted in accordance with section 16(7) of that Act;”.

2. As if in regulation 2(1)(b)(2) (making of interim payments), for the words “a reference, review,” there were substituted the word “an”.

3. As if in regulation 5(2) (offsetting prior payment against subsequent award)—

(a) for Case 1 there were substituted the following case—

“Case 1: Payment pursuant to a decision which is revised or superseded, or overturned on appeal

Where a person has been paid a sum by way of benefit pursuant to a decision which is subsequently revised under section 9 of the Social Security Act 1998, superseded by a decision under section 10 of that Act or overturned on appeal”; and

(b) in Case 2, the words “, on review or appeal,” were omitted.

4. As if in the heading to Part VI the words “REVISION OF DETERMINATION AND” were omitted.

5. As if in regulation 12 (circumstances in which determination need not be revised) for the words—

(a) “or revision of determination” there were substituted the words “, revision or supersession”; and

(b) “for reviewing and revising the determination under which payment was made” there were substituted the words “for the decision pursuant to which the payment was made to be revised under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act”.

---

(1) The relevant amending instrument is S.I.1991/2742.

(2) The relevant amending instrument is S.I. 1996/30.