

## SCHEDULE 13

Article 3(13)

### MODIFICATION OF THE EMPLOYMENT PROTECTION (RECOUPMENT OF JOBSEEKER'S ALLOWANCE AND INCOME SUPPORT) REGULATIONS 1996

[<sup>F1</sup>1. As if in the heading to Part IV (determination and review of benefit recouped) the words "AND REVIEW" were omitted.

#### Textual Amendments

**F1** Schs. 13-15 revoked (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 20 para. 1(c)** (with reg. 3(1)(b), Schs. 21-23)

2. As if the following paragraphs were substituted for paragraphs (2) and (3) of regulation 10 (provisions relating to determination of amount paid by way of or paid as on account of benefit)—

“(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 decide the question as to the amount of jobseeker's allowance 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 an appeal tribunal constituted under Chapter I of Part I of the 1998 Act against a decision of the Secretary of State whether as originally made under paragraph (2) or as revised under paragraph (2A) above.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 under paragraph (2B) 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.”.]

#### Textual Amendments

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**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999, SCHEDULE 13.