
STATUTORY INSTRUMENTS

2013 No. 384

**The Social Security (Overpayments
and Recovery) Regulations 2013**

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Overpayments and Recovery) Regulations 2013.

(2) The following provisions of these Regulations come into force on 8th April 2013—

- (a) this Part;
- (b) Part 6 and Schedules 1 and 2;
- (c) regulation 31 except paragraphs (2)(b), (d), (e) and (g), (4)(b) and (7)(b);
- (d) regulation 33(1), (2)(a) and (c) and (3); and
- (e) regulation 34(1), (2)(a) and (c) and (3).

(3) All other provisions of these Regulations come into force on 29th April 2013.

Interpretation

2. In these Regulations—

“the Act” means the Social Security Administration Act 1992;

“the 1995 Act” means the Jobseekers Act 1995(1);

“the 2007 Act” means the Welfare Reform Act 2007(2);

“the 2012 Act” means the Welfare Reform Act 2012(3);

“the UC Regulations” means the Universal Credit Regulations 2013(4);

“the UC etc. Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(5);

“assessment period” has the same meaning as in the UC Regulations;

“claimant” means the person who has claimed the benefit concerned;

“couple” has the same meaning as in Part 1 of the 2012 Act(6);

(1) 1995 c.18.

(2) 2007 c.5.

(3) 2012 c.5.

(4) S.I.2013/376.

(5) S.I.2013/380.

(6) See section 39 of that Act.

“employment and support allowance” means an allowance under Part 1 of the 2007 Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance;

“housing costs” means any amount included in an award of universal credit in respect of rent payments as defined in paragraph 2 of Schedule 1 to the UC Regulations;

“jobseeker’s allowance” means an allowance under the 1995 Act as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance;

“liable person” means the person from whom a recoverable amount is recoverable;

“overpayment” means an amount of—

- (a) universal credit, jobseeker’s allowance or employment and support allowance which may be recovered by the Secretary of State by virtue of section 71ZB(1) of the Act;
- (b) working tax credit or child tax credit which may be recovered under section 29 of the Tax Credits Act 2002⁽⁷⁾ as modified by paragraph 10 of the Schedule to the Universal Credit (Transitional Provisions) Regulations 2013⁽⁸⁾;

“overpayment period” means the period over which an overpayment accrues;

“partner” means, where the person being referred to is a member of a couple, the other member of the couple;

“recoverable amount” is to be construed in accordance with regulation 3;

“universal credit” means universal credit under Part 1 of the 2012 Act.

⁽⁷⁾ 2002 c.21.
⁽⁸⁾ S.I.2013/386.