
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 224

The Social Security (Overpayments and
Recovery) Regulations (Northern Ireland) 2016

PART 4

Calculation of recoverable amount of an overpayment

Sums to be deducted

8.—(1) In calculating the recoverable amount of an overpayment of jobseeker's allowance or employment and support allowance, the Department must deduct the amounts specified in paragraphs (2) and (3).

(2) Any amount which has been offset under regulation 16.

(3) Any additional amount of universal credit which is not payable to the claimant or the claimant's partner under the original or any other determination but which should have been determined to be payable in respect of all or part of the overpayment period to the claimant, or to the claimant and the claimant's partner jointly—

- (a) on the basis of the claim for universal credit as presented to the Department;
- (b) on the basis of that claim as it would have appeared if any change of circumstances, except a change of the dwelling which the claimant occupies as the claimant's home, had been notified at the time that change occurred;
- (c) where the overpayment arose by virtue of a misrepresentation or a failure to disclose a material fact, on the basis that that misrepresentation or failure had been remedied prior to the award being made; or
- (d) where the overpayment arose by virtue of an error made by, or on behalf of, the Department, on the basis that that error had not been made.