
S T A T U T O R Y I N S T R U M E N T S

1981 No. 849

SOCIAL SECURITY

**The Social Security Benefits (Interim Payments)
Regulations 1981**

<i>Made - - - -</i>	<i>11th June 1981</i>
<i>Laid before Parliament</i>	<i>17th June 1981</i>
<i>Coming into Operation</i>	<i>18th June 1981</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by section 119(3)(a) of the Social Security Act 1975(a), and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to him that by reason of urgency it is inexpedient to do so (b), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits (Interim Payments) Regulations 1981 and shall come into operation on 18th June 1981.

(2) In these regulations “the Act” means the Social Security Act 1975; and “determining authority” means, as the case may require, an insurance officer, a local tribunal or a Commissioner within the meaning of the Act.

Interim payments by way of benefit under the Act

2.—(1) Where, under arrangements made by the Secretary of State with the consent of the Treasury payment by way of benefit has been made pending determination of a claim for it without due proof of the fulfilment of the relevant conditions or otherwise than in accordance with the provisions of the Act and orders and regulations made under it, the payment so made shall, for the purposes of those provisions, but subject to the following provisions of this regulation, be deemed to be a payment of benefit duly made.

(2) When a claim for benefit in connection with which a payment has been made under arrangements such as are referred to in paragraph (1) above is determined by a determining authority—

- (a) if that authority decides that nothing was properly payable by way of the benefit in respect of which the payment was made or that the amount properly payable by way of that benefit was less than the

(a) 1975 c.14.

(b) See Social Security Act 1980 (c.30) section 10(2)(a).

amount of the payment, it may, if appropriate, direct that the whole or part of the overpayment be treated as paid on account of benefit (whether benefit under the Act or the Supplementary Benefits Act 1976(a)) which is properly payable, but subject as aforesaid shall require repayment of the overpayment; and

- (b) if that authority decides that the amount properly payable by way of the benefit in respect of which the payment was made equals or exceeds the amount of that payment, it shall treat that payment as paid on account of the benefit properly payable.

(3) Unless before a payment made under arrangements such as are mentioned in paragraph (1) above has been made to a person that person has been informed of the effect of sub-paragraph (a) of paragraph (2) above as it relates to repayment of an overpayment, repayment of an overpayment shall not be required except where the determining authority is satisfied that in the obtaining and receipt of such a payment the person to whom it has been made, and any person acting for him, has not throughout exercised due care and diligence to avoid overpayment.

(4) An overpayment required to be repaid under the provisions of this regulation shall, without prejudice to any other method of recovery, be recoverable by deduction from any benefit then or thereafter payable to the person by whom it is to be repaid or any persons entitled to receive his benefit on his death.

Revocation of regulations

3. Regulation 13(10) and (11) of the Social Security (General Benefit) Regulations 1974(b) (repayment of interim payments by way of unemployment benefit, sickness benefit, invalidity benefit and maternity benefit) and regulation 41 of the Social Security (Industrial Injuries) (Benefit) Regulations 1975(c) (repayment of interim payments by way of injury benefit) are hereby revoked.

Patrick Jenkin,

Secretary of State for Social Services.

11th June 1981.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain provisions relating to interim payments made by the Secretary of State with the consent of the Treasury pending the determination by independent statutory authorities (insurance officers, local tribunals and the Social Security Commissioners) of claims for benefit under the Social Security Act 1975 (regulation 2).

The Regulations revoke earlier provisions which were limited to interim payments of unemployment, sickness, invalidity, maternity and injury benefit (regulation 3).

The Regulations will be referred to the Social Security Advisory Committee under subsection (7) of section 10 of the Social Security Act 1980 unless the Committee agrees that that subsection shall not apply.

(a) 1976 c. 71; the Act (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) as amended is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

(b) S.I. 1974/2079.

(c) S.I. 1975/559.

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