
STATUTORY INSTRUMENTS

1987 No. 491

**Social Security (Payments on account,
Overpayments and Recovery) Regulations 1987**

PART IV

PREVENTION OF DUPLICATION OF PAYMENTS

Duplication of payments and supplementary benefit

7. References in this Part to section 27 of the Act (prevention of duplication of payments) are to the provisions of that section as applied to supplementary benefit by section 73 of, and paragraph 2 of Schedule 7 to, that Act.

Duplication and prescribed income

8.—(1) For the purposes of section 27(1) of the Act (recovery of amount of benefit awarded because prescribed income not paid on prescribed date), a person's prescribed income consists of resources which are required by Part III of the Supplementary Benefit (Resources) Regulations 1981(1) to be taken into account in the calculation of his income resources.

- (2) The prescribed date in relation to any payment of income prescribed by paragraph (1) is—
- (a) where it is made in respect of a specific day or period, that day or the first day of the period;
 - (b) where it is not so made, the day or the first day of the period to which it is fairly attributable.

Duplication and prescribed payments

9.—(1) For the purposes of section 27(2) of the Act (recovery of amount of benefit awarded because prescribed payment not made on prescribed date), the payment of any of the following is a prescribed payment:—

- (a) any benefit under the Social Security Act 1975(2) other than any grant or gratuity;
- (b) any child benefit;
- (c) any family income supplement;
- (d) any war disablement pension or war widow's pension(3) which is not in the form of a gratuity and any payment which the Secretary of State accepts as analogous to any such pension;
- (e) any allowance paid under the Job Release Act 1977(4);

(1) S.I.1981/1527; relevant amending instruments are S.I. 1982/1125, 1126 and 1127, 1983/503, 505, 1240 and 1245, 1984/1102, 1985/614, 1246 and 1835 and 1986/1292 and 1293.

(2) 1975 c. 14.

(3) "War disablement pension" and "war widow's pension" are each defined in section 84(1) of the Social Security Act 1986 (c. 50).

(4) 1977 c. 8.

- (f) any allowance payable by or on behalf of the Manpower Services Commission to or in respect of a person for his maintenance for any period during which he is following a course of training or instruction provided or approved by that Commission;
- (g) any payment of benefit under the legislation of any member State other than the United Kingdom concerning the branches of social security mentioned in Article 4(1) of Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community⁽⁵⁾, whether or not the benefit has been acquired by virtue of the provisions of that Regulation.

(2) The prescribed date, in relation to any payment prescribed by paragraph (1) is the date by which receipt of or entitlement to that benefit would have to be notified to the Secretary of State if it were to be taken into account in determining, whether on review or otherwise, the amount of or entitlement to supplementary pension or allowance.

Duplication and maintenance payments

10. For the purposes of section 27(3) of the Act (recovery of amount of benefit awarded because maintenance payments not made), the following benefits are prescribed:—

- (a) child benefit;
- (b) increases for dependants of any benefit under the Social Security Act 1975;
- (c) child's special allowance under section 31 of the Social Security Act 1975⁽⁶⁾; and
- (d) guardian's allowance.

Conversion of payments made in a foreign currency

11. Where a payment of income prescribed by regulation 8(1), or a payment prescribed by regulation 9(1), is made in a currency other than sterling, its value in sterling, for the purposes of section 27 of the Act and this Part, shall be determined, after conversion by the Bank of England, or by any bank which is a recognised bank for the purposes of the Banking Act 1979⁽⁷⁾, as the net sterling sum into which it is converted, after any banking charge or commission on the transaction has been deducted.

(5) O.J. No. L149, 5.7.1971; Regulations No. 1408/71 and No. 574/72 were restated in amended form in Regulation No. 2001/83 (O.J. No. L230, 22.8.1983) and further amended by Council Regulation (EEC) No. 1660/85 (O.J. No. L160, 20.6.1985), Council Regulation (EEC) No. 1661/85 (O.J. No. L160, 20.6.1985) and Commission Regulation (EEC) No. 513/86 (O.J. No. L57, 28.2.1986).

(6) 1975 c. 14; child's special allowance is abolished except for existing beneficiaries by Social Security Act 1986 (c. 50), section 40.

(7) 1979 c. 37.