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STATUTORY INSTRUMENTS

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**2003 No. 492**

**The Child Benefit and Guardian's Allowance  
(Administration) Regulations 2003**

**PART 5**

**OVERPAYMENTS AND RECOVERY**

**Recovery of overpayments by direct credit transfer**

**35.**—(1) If the adjudicating authority determines that—

- (a) a payment of child benefit or guardian's allowance in excess of entitlement has been credited to a bank account or other account under an arrangement for direct credit transfer made in accordance with [<sup>F1</sup>regulation 16]; and
- (b) the conditions specified in paragraph (2) are satisfied,

the excess, or the specified part of it to which the certificate referred to in sub-paragraph (a) of that paragraph relates, shall be recoverable.

(2) The following conditions are specified in this paragraph—

- (a) the Board must have certified that the payment in excess of entitlement, or a specified part of it, is materially due to the arrangement for payments to be made by direct credit transfer; and
- (b) subject to paragraph (3), notice of the effect which this regulation would have, in the event of an overpayment, must have been given in writing to the person entitled to the benefit or allowance, or to a person acting in his behalf, [<sup>F2</sup>before the Board made the arrangement for the payment of child benefit or guardian's allowance into that account].

(3) In the case of an arrangement relating to child benefit which was agreed to before 6th April 1987, the condition specified in paragraph (2)(b) need not be satisfied in any case where the application for the benefit to be paid by direct credit transfer contained a statement, or was accompanied by a written statement made by the applicant, which complied with the provisions specified in paragraph (4).

(4) The provisions specified in this paragraph are—

- (a) in relation to child benefit under the Contributions and Benefits Act, regulation 7(2)(b) and (6) of the Child Benefit (Claims and Payments) Regulations 1984(1);
- (b) in relation to child benefit under the Contributions and Benefits (NI) Act, regulation 7(2)(b) and (6) of the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1985(2).

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(1) S.I.1984/1960. Regulation 7 was revoked, together with other parts of the instrument, by the Schedule to S.I. 1987/491 and Schedule 10 to S.I. 1987/1968.

(2) S.R. 1985 No. 124. Regulation 7 was revoked, together with other parts of the instrument, by the Schedule to S.R. 1987 No. 122 and Schedule 9 to S.R. 1987 No. 465.

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**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, Section 35. (See end of Document for details)

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**Textual Amendments**

- F1** Words in [reg. 35\(1\)\(a\)](#) substituted (1.11.2010) by [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment\) Regulations 2010 \(S.I. 2010/2459\)](#), regs. 1, **2(b)**
- F2** Words in [reg. 35\(2\)\(b\)](#) substituted (1.11.2010) by [The Child Benefit and Guardian's Allowance \(Administration\) \(Amendment\) Regulations 2010 \(S.I. 2010/2459\)](#), regs. 1, **2(c)**
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**Commencement Information**

- I1** [Reg. 35](#) in force at 7.4.2003, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, Section 35.