
STATUTORY INSTRUMENTS

2003 No. 492

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

PART 5

OVERPAYMENTS AND RECOVERY

Offsetting prior payments of income support or jobseeker's allowance against arrears of child benefit or guardian's allowance payable by virtue of a subsequent determination

39.—(1) This regulation applies where—

- (a) a person has been paid a sum by way of income support or jobseeker's allowance; and
- (b) it is subsequently determined that—
 - (i) child benefit or guardian's allowance should be awarded or is payable in lieu of the income support or jobseeker's allowance; and
 - (ii) the income support or jobseeker's allowance was not payable.

(2) Subject to regulation 40, any sum of income support or jobseeker's allowance in respect of the period covered by the subsequent determination—

- (a) shall be offset against any arrears of entitlement to the child benefit or guardian's allowance payable for that period by virtue of that determination; and
- (b) except to the extent that it exceeds them, the sum so paid shall be treated as properly paid on account of the arrears.

Commencement Information

II [Reg. 39](#) 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 39.