
STATUTORY INSTRUMENTS

2013 No. 384

**The Social Security (Overpayments
and Recovery) Regulations 2013**

PART 6

Recovery by deduction from earnings

Amount to be deducted by employer

20.—(1) This regulation applies where an employer has received from an appropriate authority a notice in respect of a liable person in their employment.

(2) Subject to the following provisions of this regulation, the employer must, each pay-day, make a deduction in accordance with paragraph (3)^[F1] or (3B)] from the net earnings which it would otherwise pay to the liable person on that pay-day.

(3) ^[F2]Except where paragraph (3B) applies, the amount to be deducted is—]

- (a) where the liable person's earnings are payable weekly, the percentage of their earnings specified in column 2 of Table A in Schedule 2 opposite the band in column 1 of that Table within which their net earnings payable on their pay-day fall;
- (b) where the liable person's earnings are payable monthly, the percentage of their earnings specified in column 2 of Table B in that Schedule opposite the band in column 1 of that Table within which their net earnings payable on their pay-day fall; or
- (c) a lower amount calculated in the manner specified by the appropriate authority in the notice.

^[F3](3A) Paragraph (3B) applies where deductions from earnings are made to recover from the liable person the whole or part of an overpayment in respect of which the liable person has been found guilty of an offence whether under statute or otherwise.

(3B) Where this paragraph applies, the amount to be deducted by the employer is—

- (a) where the liable person's earnings are payable weekly, the percentage of their earnings specified in column 2 of Table C in Schedule 2 opposite the band in column 1 of that Table within which their net earnings payable on their pay-day fall;
- (b) where the liable person's earnings are payable monthly, the percentage of their earnings specified in column 2 of Table D in Schedule 2 opposite the band in column 1 of that Table within which their net earnings payable on their pay-day fall; or
- (c) a lower amount calculated in the manner specified by the appropriate authority in the notice.]

(4) Where any amount calculated under paragraph (3)^[F4] or (3B)] includes a fraction of a penny, it is to be rounded to the nearest whole penny with a result of exactly half a penny being rounded down to the nearest whole penny below.

^{F5}(5) The employer must continue to make deductions in accordance with paragraph (3) or (3B) unless and until—

- (a) they are notified by the appropriate authority that the notice—
 - (i) has been varied in accordance with regulation 25;
 - (ii) has been discharged under regulation 26; or
 - (iii) has lapsed under regulation 27; or
- (b) the employer considers that, as a result of deductions under this regulation, the balance of the recoverable amount which falls to be recovered from the liable person is nil.]

(6) Where, on any pay-day (“the relevant pay-day”), the employer fails to deduct an amount under paragraph (3)^{F6} or (3B)] or deducts an amount less than the amount specified in that paragraph, the employer must, on the next available pay-day or pay-days, first deduct the amount required to be deducted under paragraph (3)^{F6} or (3B)] for that pay-day and then the difference between the amount, if any, which was deducted on the relevant pay-day and the amount which should have been deducted on that pay-day.

(7) Where a deduction made in accordance with paragraph (3) ^{F7}, (3B)] or (6) would reduce the amount paid to the liable person below the protected earnings proportion, the employer must deduct only such amount as will result in the employer paying the liable person an amount equal to the protected earnings proportion.

(8) Where, on any pay-day (“the relevant pay-day”), the employer deducts more than the amount required to be deducted under paragraph (3)^{F8} or (3B)] the employer must, on the next available pay-day or pay-days, deduct only the amount required to be deducted under paragraph (3)^{F8} or (3B)] , less the difference between the amount which was deducted on the relevant pay-day and the amount which should have been deducted on that pay-day.

(9) Where, on any pay-day, an employer makes a deduction from the earnings of a liable person in accordance with the notice, they may also deduct an additional amount not exceeding £1 in respect of their administrative costs and such deduction for administrative costs may reduce the amount which the employer pays to the liable person on that pay-day below the protected earnings proportion.

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| F1 | Words in reg. 20(2) inserted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(2) |
| F2 | Words in reg. 20(3) substituted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(3) |
| F3 | Reg. 20(3A) - Reg. 20(3B) inserted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(4) |
| F4 | Words in reg. 20(4) inserted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(2) |
| F5 | Reg. 20(5) substituted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(5) |
| F6 | Words in reg. 20(6) inserted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(2) |
| F7 | Word in reg. 20(7) inserted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(6) |
| F8 | Words in reg. 20(8) inserted (6.4.2015) by The Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) , regs. 1, 5(2) |

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Overpayments and Recovery) Regulations 2013, Section 20.