
STATUTORY INSTRUMENTS

2020 No. 512

**The Statutory Sick Pay (Coronavirus) (Funding
of Employers' Liabilities) Regulations 2020**

PART 4

Payments, corrections and overpayments

Payments

8. Where HMRC accept a claim, HMRC must pay the amount specified in the claim by the employer in accordance with regulation 6(3)(c), less any amount repayable under regulation 9(3), to the account specified by the employer in accordance with regulation 6(3)(e) as soon as reasonably practicable.

Correcting a claim when the amount has been mistakenly overstated

9.—(1) Where an employer—

- (a) becomes aware that the employer mistakenly overstated the amount in a claim (the “original claim”); and
- (b) has received payment from HMRC in respect of the original claim,

the employer must correct the error in accordance with this regulation.

(2) In the next claim that the employer makes under regulation 6 (the “next claim”), the employer must specify the amount by which the original claim was overstated.

(3) The amount by which the original claim was overstated must be repaid to HMRC by the employer by way of set-off against the amount stated in the next claim, up to a maximum of the amount stated in the next claim.

(4) Where the amount by which the original claim was overstated exceeds the maximum amount required to be set off in accordance with paragraph (3), the employer must repay the excess to HMRC within the period of 30 days beginning on the day on which the next claim is made.

(5) Where an employer does not make another claim under regulation 6 within the period of 60 days beginning with the day on which the original claim was made, the employer must notify HMRC of the overstatement in accordance with paragraphs (6) to (8) (an “adjustment notice”).

(6) An adjustment notice must contain the following—

- (a) the employer PAYE reference number for the PAYE scheme to which the original claim related;
- (b) the amount by which the original claim was overstated; and
- (c) the beginning and end dates of the period of time to which the original claim related.

(7) The adjustment notice must contain a declaration by the employer that the matters stated in the adjustment notice are true and accurate.

(8) An employer must submit the adjustment notice in the same manner as the original claim was submitted.

(9) The employer must repay to HMRC the amount stated in the adjustment notice within the period of 30 days beginning on the day on which the adjustment notice is submitted.

Correcting a claim when the amount has been mistakenly understated

10. Where an employer becomes aware that the employer mistakenly understated the amount in a claim (the “understated claim”), the employer may submit a claim in accordance with regulation 6 for the amount understated in respect of the same period, PAYE scheme and employees specified in the understated claim.

Recovery of overpayments

11.—(1) Where any sum has been overpaid to an employer under these Regulations (an “overpayment”), HMRC may recover it in accordance with this regulation.

(2) An officer of Revenue and Customs must decide the amount of the overpayment and must give notice in writing of the decision to the employer.

(3) The employer must repay the overpayment to HMRC within the period of 30 days beginning with the day on which the employer receives the notice of decision referred to in paragraph (2).

(4) Part 6 of the Taxes Management Act 1970⁽¹⁾ (collection and recovery) applies to the recovery of overpayments as if—

- (a) the amount of the overpayment were income tax charged on the employer named in the notice of decision referred to in paragraph (2);
- (b) that notice of decision were an assessment; and
- (c) that notice of decision were the matter complained of for the purposes of section 65(3) of that Act⁽²⁾.

(5) In the application of section 101(4) of the Finance Act 2009⁽³⁾ (late payment interest on sums due to HMRC) in relation to a repayment to HMRC of an overpayment under this regulation, the overpayment becomes due and payable on the date on which HMRC give the notice of decision referred to in paragraph (2).

(1) 1970 c. 9.

(2) Section 65(3) was amended by paragraph 30 of Schedule 19 to the Finance Act 1998 (c.36).

(3) 2009 c. 10.