

*These notes refer to the Welfare Reform Act 2012  
(c.5) which received Royal Assent on 8 March 2012*

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5: Social security: General**

##### ***Section 107: Recovery of child benefit and guardian's allowance***

558. *Section 107* amends section 71(8) of SSAA 1992. Section 71 provides the statutory basis for dealing with overpayments of prescribed social security benefits (which include Child Benefit and Guardian's Allowance) that have occurred where a person has misrepresented or failed to disclose anything relevant to their claim and the overpaid sum would not have been paid but for that misrepresentation or failure to disclose. Section 71(8) of SSAA 1992 allows overpayments made in those circumstances to be recovered from future payments of prescribed benefits. The amendment in section 107 will allow overpaid child benefit or guardian's allowance to be recovered from future payments of those benefits (but not other prescribed benefits).