The Commissioners for Her Majesty’s Revenue and Customs, in exercise of the powers conferred by section 71(8) of the Social Security Administration Act 1992(a) and section 69(8) of the Social Security Administration (Northern Ireland) Act 1992(b) and now exercisable by them(c), make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Benefit and Guardian’s Allowance (Administration) (Amendment) Regulations 2012 and come into force on 8th May 2012.

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

2. The Child Benefit and Guardian’s Allowance (Administration) Regulations 2003(d) are amended as follows.

3. In Part 5 (overpayments and recovery), after regulation 42, insert—

“Recovery of overpayments from awards of child benefit and guardian’s allowance

42A.—(1) Where any amount of child benefit or guardian’s allowance is recoverable from a person under—

(a) section 71(1) of the Administration Act,

(b) section 69(1) of the Administration (NI) Act, or

(c) regulation 35(1) or 42(5),
that amount may be recovered by the adjudicating authority from any child benefit or guardian’s allowance payable to that person.

(2) For the purposes of paragraph (1), child benefit or guardian’s allowance payable includes any payment of arrears of child benefit or guardian’s allowance other than a payment of arrears required to be made by regulation 21(1) of the Child Benefit and Guardian’s Allowance (Decisions and Appeals) Regulations 2003(a).”.

Dave Hartnett
Stephen Banyard
12th April 2012
Two of the Commissioners for Her Majesty’s Revenue and Customs

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations amend the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003 (“the Administration Regulations”) with effect from 8th May 2012.

Regulations 2 and 3 insert a new regulation 42A into the Administration Regulations so that any overpayment of child benefit or guardian’s allowance which is recoverable under section 71(1) of the Social Security Administration Act 1992, section 69(1) of the Social Security Administration (Northern Ireland) Act 1992 or under regulation 35(1) or 42(5) of the Administration Regulations may be recovered from ongoing payments of child benefit and guardian’s allowance payable to the person against whom recovery of the overpayment is due.

An impact assessment has not been produced for this instrument as it has a negligible impact on business, charities or voluntary bodies.

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(a) S.I. 2003/916, regulation 21(1) was amended by S.I. 2008/2683.