STATUTORY INSTRUMENTS

1982 No. 1635

SOCIAL SECURITY

The Family Income Supplements (General) Amendment Regulations 1982

Made - - - -	18*th November* 1982
Laid before Parliament	29*th November* 1982
Coming into Operation	20*th December* 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 10(2)(*ii*) of the Family Income Supplements Act 1970(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations.

This instrument satisfies the requirements of paragraph 38 of Schedule 4 to the Social Security and Housing Benefits Act 1982(**b**) and the Secretary of State has not referred proposals to make any of the regulations contained in it to the Industrial Injuries Advisory Council or to the Social Security Advisory Committee.

Citation and commencement

1 These regulations may be cited as the Family Income Supplements (General) Amendment Regulations 1982 and shall come into operation on 20th December 1982.

Amendment of the Family Income Supplements (General) Regulations 1980

2. After regulation 11 of the Family Income Supplements (General) Regulations 1980(**c**) there shall be inserted the following regulation:—

"Interim payments on account of benefit

11A.—(1) Subject to paragraph (2), an interim payment shall be deemed for the purposes of the Act to be a payment of benefit duly made.

(2) When a claim in connection with which an interim payment has been made is determined by a determining authority—

(*a*) if that authority decides that nothing was properly payable by way of benefit or decides that the amount properly so payable was less than

(**a**) 1970 c. 55; section 10 was amended by section 48(5) of, and paragraph 4 of Schedule 4 to, the Social Security and Housing Benefits Act 1982 (c. 24).
(**b**) 1982 c. 24. (**c**) S.I. 1980/1437.

the amount of the interim payment, it may, if appropriate, direct that the whole or part of the overpayment be treated as paid on account of benefit which is properly payable or on account of any benefit under the Social Security Act 1975(**a**) or the Child Benefit Act 1975(**b**), but subject to any such direction the Secretary of State shall be entitled to recover the amount of the overpayment;

(*b*) if that authority decides that the amount properly payable by way of benefit equals or exceeds the amount of the interim payment, it shall treat that payment as paid on account of the benefit properly so payable.

(3) Unless before an interim payment has been made to a person he has been informed of the effect of sub-paragraph (*a*) of paragraph (2) as it relates to repayment of an overpayment, repayment of an overpayment shall not be required except where the determining authority is satisfied that in the obtaining and receipt of the interim payment he, and any person acting for him, has not throughout disclosed all material facts.

(4) In this regulation "interim payment" has the meaning assigned to it by section 10(7) of the Act.".

Norman Fowler,
Secretary of State for Social Services.

18th November 1982.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Family Income Supplements (General) Regulations 1980 to insert a new regulation 11A containing provisions relating to interim payments made by the Secretary of State with the consent of the Treasury pending the determination by independent statutory authorities (supplement officers, Supplementary Benefit Appeal Tribunals and the Social Security Commissioners) of claims for family income supplement.

(**a**) 1975 c. 14. (**b**) 1975 c. 61.

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