

*Overpayments and Recovery in  
Housing Benefit and Council Tax Benefit:  
A Survey of Recent Cases\**

Paper presented to the Social Security Law Practitioners Association

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**Challenges based upon invalidity**

1. Technical challenges to HB and CTB overpayments have been made on the basis that (i) that the overpayment notice was defective as it failed to comply with the necessary requirements<sup>2</sup> and/or (ii) a decision is rendered invalid if there is insufficient evidence to show that a valid determination had been made.<sup>3</sup> These arguments have met with little success at the Commissioner level. Their main effect, one Commissioner suggested, was merely to prolong the proceedings.<sup>4</sup>

Defective notice

2. Representatives regularly cite *Warwick District Council v Freeman* (1994) 27 HLR 614<sup>5</sup> but Commissioners apply the test in *Haringey LBC v Awaritefe* (1999) 32 HLR 517, - that a failure to comply would only render a determination invalid if the claimant or landlord suffered a significant prejudice.<sup>6</sup> The procedural requirements for notifying a party are not very stringent. Mr Commissioner Jacobs said it would be enough for a landlord to be given sufficient information to enable them to make an appeal, albeit in general terms.<sup>7</sup> See *CH/5217/2001* where a claimant was held to have suffered a 'significant prejudice' because she was not provided with a statement of how the excess benefit had been calculated.<sup>8</sup> This approach has recently been reinforced by a tribunal of Commissioners<sup>9</sup> which held that any procedural failures on the part of the local authority will for all practical purposes have ceased to cause any significant injustice to an appellant by the time the appeal gets before a tribunal which unlike judicial proceedings

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\* This talk is based on "Analysis of Recent Social Security Commissioners' Decisions – Overpayments and Recovery: Disclosure, Misrepresentation and Official Error" which is due to appear in the next issue of the *Journal of Social Security*, Sweet & Maxwell; (2004) 11 J.S.S.L., Issue 1.

<sup>1</sup> Chairman to the SSLawPA Chair and a pupil at Two Garden Court Chambers.

<sup>2</sup> Reg. 77 and paragraph 14 of Schedule 6 to the 1987 Regulations.

<sup>3</sup> Reg. 98 of the HB (General) Regulations 1987 (SI 1987/1971)

<sup>4</sup> *CH/2349/2002* para. 9

<sup>5</sup> The council sent the landlord an invoice for the overpayment. When the landlord sought to challenge this, the council said the review proceedings did not apply to landlords and simply issued enforcement proceedings in the county court.

<sup>6</sup> *R(H) 1/02* para. 10 and *CH/4943/2001* paras. 14-16.

<sup>7</sup> *CH/4943/2001* paras. 20 and 21.

<sup>8</sup> But Mr Commissioner Jacobs made it clear that the information could have been provided at any stage before the hearing started.

<sup>9</sup> *CH/5216/2001*, *CH/841/2002* and *CH/3880/2002* paras. 74-76.

conducts a full re-hearing of the merits of the case. The Commissioners noted that in extreme cases the appeal could be summarily allowed where the operation of the procedure has been so far defective or non-existent that the tribunal is satisfied there has never been a valid basis for a determination against the appellant at all but such cases of total rejection will now be rare.

#### No copy of the Decision

3. Commissioners have consistently rejected the notion that an overpayment decision is rendered invalid if the local authority cannot produce a copy of the decision.<sup>10</sup> Secondary evidence will do and the local authority should not be required to go to extensive trouble to show that a review took place.<sup>11</sup> In *CH/4099/2002*, the local authority produced a detailed statement for the tribunal showing how the decisions making the HB/CTB award had been revised to take into account income from an occupational pension that had not been disclosed at the time. However, the tribunal refused to accept the statement as sufficient. Mr Commissioner Jacobs said the appeal raised the issue: would the requirement to produce the original decision render it impossible for local authorities who use computers ever to satisfy tribunals that a decision had been made for the purpose of recovering overpayments? The Commissioner had no hesitation in holding that the local authority had made the decisions that it said it had and held the tribunal's decision to be perverse. He repeated his recommendation that where possible the local authority should produce a copy of the decision generated by the computer.<sup>12</sup> But where the computer system cannot produce a copy of the decision, other methods of proof were acceptable.<sup>13</sup>

#### Technical arguments or procedural safeguards?

4. Mr Commissioner Jacobs went on to observe that the authorities regularly cited by representatives were not incompatible with his approach as he was not aware of any decision by a Commissioner that renders it impossible for a decision-maker to satisfy a tribunal that a decision has been made (para. 11). The Commissioner appears to be referring to the principle that if there were insufficient evidence of the terms and/or grounds that a revision or supersession has been carried out the decision on recoverability would be defective and of no force or effect (*R(IS) 7/91*, *R(IS) 2/96*). But arguments on validity raise fundamental issues regarding the procedural safeguards laid down by the statute. Such arguments should have even greater force since the introduction of the more rigid framework for decisions and appeals introduced under the SSA 1998. There are now two types of decisions, supersessions and revisions and regulations fix the date when each kind of decision take effect. Above all, the claimant is entitled to insist that every

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<sup>10</sup> Mr Commissioner Jacobs, *CH/4943/2001* para. 11, Ms Commissioner Fellner *CH/3526/2002* and Mr Commissioner Turnbull in *R(H) 1/02* para. 4.

<sup>11</sup> *CH/2349/2002* where an audit trail of the computer system was undertaken.

<sup>12</sup> Made in *CH/4943/2001*

<sup>13</sup> See also Ms Commissioner Fellner *CH/3526/2002* and Mr Commissioner Turnbull in *R(H) 1/02* para. 4.

recovery decision is scrutinised to see if it complies with the statutory requirement in section that all of the relevant operative decisions have been revised or superseded or varied on appeal.<sup>14</sup>

#### Terms of the overpayment decision

5. In *CIS/362/2003* the terms of the overpayment decision was “fundamentally incoherent” as it did refer to *any* decision operative during the period of the alleged overpayment. This was, according to Mr Commissioner Mesher “a defect of substance” which “rendered the purported review invalid.” This can be contrasted to *CIS/764/2002* where the overpayment decision referred to the original operative decision but did not refer to subsequent revision (upon payment of sickness benefit) within the relevant overpayment period. Mr Commissioner Mesher held that the defect of substance in this case was not so great as to render the decision invalid.

#### No power to convert a revision into supersession

6. In the key decision *CSIS/1298/2001*<sup>15</sup> Mrs Commissioner Parker resiled from the view she had taken in earlier decisions<sup>16</sup> and held that the tribunal has no power to convert a purported revision into supersession in a case where the Secretary of State had issued an overpayment decision based upon supersession for a change of circumstances when this did not fit the facts.<sup>17</sup>

#### Tribunal of Commissioners and supersessions

7. A tribunal of Commissioners had been convened to address the conflict within the case law on the nature of supersessions; in particular whether a tribunal or a Commissioner has the power to substitute a revision for a supersession (or vice versa).<sup>18</sup> But as Mr Commissioner Mesher observed, the test for correcting defects in overpayments may be stricter than the ordinary case,<sup>19</sup> so challenges based upon the requirement in section 71(5A) are likely to continue to be a live issue in overpayment appeals.

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<sup>14</sup> For s.71 SSCB decision the requirement is in s.71(5A). For HB and CTB the requirement is HB Regs. reg. 98 and CTB Regs. reg. 83. see *CSIS/45/1990* and *CIS/764/2002*.

<sup>15</sup> Not circulated.

<sup>16</sup> *CSIS/399/2001* and *CSIB/1266/2000* (Docherty) – that a tribunal can re-formulate the Secretary of State’s decision as a supersession. This is now pending in the Court of Session.

<sup>17</sup> The DM wanted to revise an award decision made in 1994 on the grounds of ignorance of a material fact (undisclosed capital over £8,000) but due to the deficiencies of the computer system a supersession based upon a change of circumstances was issued instead.

<sup>18</sup> *CIB/475/2002* et al

<sup>19</sup> *CIS/362/2003* para. 12

### Where the terms of original decisions are missing

8. Arguments on validity are just as applicable in the HB and CTB context, especially where local authorities fail to use the correct statutory language for revising and superseding awards.<sup>20</sup> In *CH/299/2003*, the tribunal's decision confirming an overpayment of CTB was challenged on the basis that important decisions had been lost and the tribunal failed to identify the decision it had revised. The appeal was unsuccessful on the facts<sup>21</sup> but Mr Commissioner Williams went on to make some general comments. He held that in cases of excess council tax benefit, where the exact terms of original decisions were missing, tribunals must take care to establish the precise dates for the start and end of the operative period of a decision.<sup>22</sup>

### **Assessment of evidence and overpayments**

#### Minimum standards

9. There is no legal requirement to produce the actual overpayment decision if there is sufficient secondary evidence available (*CSIS/1512/2001* para. 14). But where there are fundamental deficiencies in the evidence and the Secretary of State's presentation of the case, then a tribunal is entitled to throw the whole case out.

*“Tribunal appeals in overpayment cases are legal proceedings involving the recovery of money, with the burden of proof of recoverability on the Secretary of State, and at least some minimum standards in such litigation have to be observed: the normal rule applicable in this context is that a party seeking to recover money who fails to set out and prove his case properly by evidence, or even attend to explain it, should lose automatically.”*<sup>23</sup>

10. An example of where the Secretary of State failed to meet these “minimum standards” is *CSIS/1512/2002*. After going through the various deficiencies<sup>24</sup> Mrs Commissioner Parker concluded the case prepared for the tribunal fell so far short of discharging the onus lying on the Secretary of State that the Commissioner substituted a decision to that effect. Such extreme cases may be rare but the assessment of the Secretary of State's evidence is crucial to the outcome in all overpayment cases. Recent decisions have described the tension between

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<sup>20</sup> *CH/2302/2002* para. 13 on the use of the term ‘cancel’ to terminate entitlement retrospectively.

<sup>21</sup> Para. 22.

<sup>22</sup> Para 27.

<sup>23</sup> *CDLA/5076/2001* para. 4. Mr Commissioner Howell

<sup>24</sup> The claimant was overpaid IS when receipt of WFTC was not taken into account. The claimant said she had disclosed the fact. The papers prepared for the tribunal did not produce a certificate with the computer print out and the terms of the decision did not make sense. In relation to disclosure there was no indication of what the claimant had been told when she received WFTC nor was there a copy of the instructions in the IS order book. There was no evidence on how information was recorded in either the IS section or the WFTC office (which would have been good initial disclosure).

tribunals' investigatory role and their duty to exercise that jurisdiction independently and impartially so as to comply with article 6 of the ECHR

#### No Presenting Officer

11. If the Secretary of State chooses not to send a representative and the claimant pointed to a deficiency in the papers that could only be answered by the presenting officer, but none was present, then the tribunal would be entitled to draw a conclusion adverse to the Secretary of State.<sup>25</sup> It was not the tribunal's task to make good omissions occasioned by the non-attendance of the Secretary of State or any other party.<sup>26</sup>

#### Whether postponement by the Secretary of State unfair

12. Would the proceedings be rendered unfair if the Secretary of State persistently failed to provide evidence when directed by a tribunal? Would there come a point when to delay the hearing any further would be unfair to the other party i.e. the claimant? This was the issue raised in *CSIS/460/2002*. There had been a number of adjournments and the Secretary of State was given two opportunities to obtain evidence which the tribunal directed should be produced. But the Secretary of State then sought and obtained a further postponement. When the case came to be heard, the tribunal held that the postponement had effectively circumvented the adjournment decision. This favoured one party over another and rendered the proceedings unfair under article 6 of ECHR. The tribunal considered that the HRA 1998 gave it power to provide a remedy to the claimant for the breach and it revised the decision so that the recoverable overpayment was nil. It stated that no decision was made on the facts or the substantive merits of the case. It rejected a submission that it had power to stay the proceedings permanently yet said the Secretary of State was free to issue a fresh overpayment decision.<sup>27</sup> Mrs Commissioner Parker decided that nothing in the proceedings had denied the claimant a fair opportunity to put her case. In any event, a tribunal was bound by primary legislation to determine the substantive appeal<sup>28</sup>. The HRA 1998 did not empower a tribunal to provide a remedy which would render a recoverable overpayment nugatory.

#### Whether delay causes unfairness

13. In *CIS/4218/2001* there had been a delay of some four years in issuing an overpayment decision. It was argued that the subsequent destruction of documents and the natural fading of memory deprived the claimant of a fair

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<sup>25</sup> *CIB/4137/2001* para. 16.

<sup>26</sup> *CG/1195/2002* para. 7.

<sup>27</sup> But see para. 50 on the finality of decisions.

<sup>28</sup> Mr Commissioner Turnbull in *CIS/4220/2002* opined that the remedy of setting an overpayment decision aside as invalid might be available (para. 24) for breach of the 'reasonable time' requirement but in *CIS/4218/2001* Mr Commissioner Mesher said this would be entirely disproportionate (para 23).

opportunity to counter the case against her. Mr Commissioner Mesher held that the passing of time would equally disadvantage the Secretary of State who had to discharge the burden of proof. But would things be any different if, following a long delay, the claimant had thrown away a receipt that would have corroborated disclosure?

#### Routine destruction of documents

14. In *CG/3049/2002* Widow's Benefit had been overpaid because the claimant was living together with a man as a couple. The claimant said she had disclosed the material fact on the claim form. The Secretary of State submitted that no benefit would have been paid if this had been the case. As the form had been destroyed Mr Commissioner Williams said that the tribunal was required to try and reconstruct the claim form from secondary evidence in accordance with the 'Ophelia rule' (*R(IS) 11/92*) but observed that in weighing the evidence and the lack of it, the tribunal must have the principle of equality of arms in mind. "It should not make assumptions that the Department is less likely to have made a mistake than the claimant unless it has evidence for that."

#### Local authority procedures for recording calls

15. In *CH/4065/2002* the claimant said that she realised that the local authority might have made a mistake and rang them to report this. But an officer for the local authority assured her that the award was correct. The local authority submitted that it was standard practice to record all telephone calls received and it was "not aware of any instances when the procedure has not been carried out correctly." The Commissioner said the lack of any record was a relevant factor in assessing the claimant's credibility but corroboration was not necessary. The tribunal also needed to take into account the possibility of a mistake in the operation of the local authority's system.

#### Local authority counter staff

16. In *CH/3526/2002* the claimant began to receive state retirement pensions and entitlement to IS ceased. He visited the local authority to report this change of circumstances. He produced the pension books and signed a statement that was countersigned by the clerk he saw. However, due to an ambiguity in the wording an officer of the local authority took the statement to mean that he was no longer only receiving IS but was getting RP as well. The clerk had told him to carry on and not to worry as the government was paying pensioners more money. The local authority's response was that its HB counter staff were fully trained and the information given would have been based on a statement that the claimant was still receiving IS. Mrs Commissioner Fellner made the following comments:

*"Local authorities cannot necessarily rely on statements of what their training practice is. Tribunals are used to weighing Benefits*

*Agency statements about the training they give their counter or visiting staff, or the strict procedures they have for recording visits or telephone calls, which can never be more than statements of practice, against the accounts of claimants (albeit with an interest in making a certain story stick) who say they were told this or that or reported the other. Local authority practice is a factor, but not a conclusive one," (para. 14).*

### **Regulation 99 – ‘Official Error’**

17. The general principle is that all HB overpayments, either by mistake or some other reason, are recoverable except in the single instance provided for in reg. 99 of the 1987 Regulations.<sup>29</sup> Following Mr Commissioner Jacobs analysis in *CH/3320/2002*, I have broken regulation 99 down into the three questions.

#### ***One: Did the local authority cause an overpayment by mistake?***

18. In most cases the mistake will be obvious e.g. the local authority delays acting on information received from the claimant. But is an overpayment caused by ‘mistake’ where there is a discrepancy in the information, which could have alerted the local authority to a potential overpayment?

#### **Local authority renew HB based on WFTC award that is due to expire**

19. In *CH/5485/2002* the claimant renewed her HB and provided a WFTC figure awarded six months previously. The local authority renewed HB based on the WFTC figure provided. When WFTC was awarded at an increased rate the claimant did not notify the local authority. An overpayment of HB ensued. The claimant argued that the local authority should have insisted on seeing the notification of the new WFTC figure before making any award of HB. Mr Commissioner Howell held that the fact that the council made no further enquiries was not the kind of “mistake” envisaged by the regulation. A “mistake” had to be a “clear and obvious” error of fact or law made by some officer on the facts disclosed to him, or which he had reason to believe were relevant (cf *R(SB) 2/93*, para. 6; *R(SB) 10/91*).

#### **Actual income disclosed to local authority but in receipt of IS due to non-disclosure to Benefit Agency**

20. In *CH/571/2003*, the claimant failed to disclose occupational pensions to the Benefits Agency for himself and his wife and was awarded IS as a result. The claimant did however disclose the correct income on a CTB claim form completed in 1994. A tribunal concluded that based on the income disclosed (IVB and the two pensions) it should have been obvious that the claimant had no entitlement to CTB so the overpayment was due to an official mistake. The

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<sup>29</sup> *CH/5485/2002* para. 7.

Commissioner disagreed. The fact that it may have been prudent for the local authority to check entitlement to IS with the Benefits Agency did not amount to a mistake under reg. 99.

Whether bank statement amount to disclosure of income

21. In *CH/69/2003* the claimant was overpaid HB and CTB over a substantial period because his Industrial Disablement Benefit (IDB) was not taken into account. The claimant failed to tick the relevant box on the claim form to indicate receipt of the benefit. The claimant nonetheless argued that the local authority would not have processed his claim without obtaining his bank statements and these showed regular credits representing payments of his DLA and IDB. Mr Commissioner Rowland held that the local authority was entitled to act on the basis that the bank statement had been produced as evidence of capital. There was no duty on the local authority to analyse the payments into the bank account in case they revealed undisclosed income.

***Two: Did the claimant or the landlord cause or contribute to the local authority's omission?***

22. In all of the cases considering the meaning of "mistake" mentioned above, the Commissioners held that even if the local authority had made a mistake, the overpayment would still have been recoverable because the claimants substantially contributed to the overpayment being made. Mr Commissioner Howell said tribunals were entitled to take a common sense approach to causation and responsibility in overpayment cases: *R(Seir) v Cambridge HBRB* [2001] EWCA Civ 1523.<sup>30</sup>

23. If the answer to both questions one and two is yes then the overpayment is recoverable and there is no need to consider the third question below. In statutory terms, reg. 99(2) only comes into play if the overpayment is caused by "official error" as defined in reg. 99(3). This has two elements. First, it was caused by a mistake on the part of the local authority. Secondly, neither the claimant nor the landlord must have contributed to that mistake. Both must exist if the overpayment is to be caused by official error. If one or other of the elements is not satisfied, there is no official error and reg. 99(2) does not apply.<sup>31</sup> This is illustrated by the next cases below.

Where overpayment not caused by official error, it is recoverable regardless of whether the landlord (or the claimant) could reasonably realise that benefit was being overpaid

24. In *CH/4876/2002* the claimant moved out of an address on 27 October without notifying anyone. By the time the same local authority received his claim for a

<sup>30</sup> See also para. 25 of *CH/571/2003*.

<sup>31</sup> *CH/4876/2002* para 11.



new address, in early November, it had already made a payment on the old address up to 15 November. The local authority sought recovery from the landlord. The landlord appealed on the grounds that they could not have realised that benefit was being overpaid. Mr Commissioner Turnbull held that as the overpayment had not been caused by official error, it was recoverable regardless of whether the landlord (or the claimant) could reasonably have been expected to realise that benefit was being overpaid.

Where claimant had contributed to the overpayment it was irrelevant whether the landlord (or the claimant) could reasonably realise that the overpayment was being made

25. In *CH/2209/2002* the tenant moved from Tower Hamlets to an address in Scotland without telling anyone. When the local authority became aware it sought recovery of an overpayment of benefit from the landlord. Mr Commissioner Jacobs held the overpayment was recoverable from the landlord because the claimant had contributed to the overpayment i.e. her failure to inform the local authority that she was moving. It was irrelevant whether the landlord (or the claimant) could reasonably realise that the overpayment was being made, as the overpayment had not been caused by the local authority's mistake.

***Three: Could the claimant or landlord reasonably have been expected to realise an overpayment was being made?***

What claimant can be expected to realise

26. Mr Commissioner Jacobs gave guidance in *CH/2554/2002* on how to determine what a claimant could be expected to realise. First, the tribunal needs to ask itself the right question: could the claimant reasonably have been expected to realise that there was (not that there might have been) an overpayment? Did they realise the amount being received definitely contained some element of overpayment?<sup>32</sup> At the second stage the tribunal must identify the information that the claimant has about the housing benefit scheme. In most cases this will involve the documentary information provided by the local authority and what the claimant should have realised from previous experience of the scheme. At the third stage the tribunal must determine what the claimant could reasonably have realised from the information available.<sup>33</sup>

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<sup>32</sup> The Commissioner said that citation of *R v Liverpool City Council, ex parte Griffiths* (1990) 22 HLR 312 was unnecessary as the facts in that case - which arose from the need to make estimates during the transition from one statutory scheme to another - were different from any that would come before appeal tribunals. Note if HB is overpaid whilst waiting for a rent assessment which turns out to be lower than the interim payment, the overpayment is due to an 'official error' and not recoverable.

<sup>33</sup> The Commissioner went on to consider the facts. The local authority had failed to take the claimant's part-time earnings into account. The Commissioner considered the fact that WFTC and CB were both used to reduce the amount of HB meant the claimant could reasonably have realised that there was a mistake in the calculation of her benefit and that the mistake was to her advantage (pars 21-23).

Where the local authority pays HB for two different tenants on the same address

27. In *CH/4465/2002* the claimant moved out at the beginning of November 2000 and reclaimed benefit elsewhere. A new tenant moved into the old address at the end of November and submitted a claim for HB but the local authority continued to pay housing benefit to the landlord for the old tenant until January 2001. The local authority conceded the payment was due to an official error. The landlord tried to argue that the overpayment was due to the local authority's negligence in paying housing benefit twice on the same address. Mr Commissioner Jacobs said it was absurd for the landlord to argue that it was entitled to continue to receive HB for two different tenants at the same flat so long as the local authority did not discover its error. The overpayment was therefore recoverable from the date the new tenant moved in.

**Landlords' liability for Overpayments**

28. In the same case (*CH/4465/2002*) the local authority argued that although the landlord could not have known about the overpayment until the new tenant moved in, the claimant could, so the claimant's realisation would have been sufficient to fix the landlord with the obligation to repay (*Warwick DC v Freeman*).<sup>34</sup> The case law shows how landlords can be held liable for overpayments due to acts and omissions outside of their control, such as entitlement to HB being interrupted because the claimant loses a passport benefit or fails to renew a claim. When there is no "official error" the overpayment can be recoverable from either the landlord or the claimant. But even where there has been an official error, the overpayment can still be recovered from the landlord if the claimant contributed to the error. This explains the landlord's motivation for seeking to challenge the local authority's discretion to seek recovery from the landlord rather than the tenant/claimant under reg. 101 of the 1987 Regulations.

Appeals against the local authority's discretion to seek recover from the landlord rather than the claimant

29. In *CH/4943/2001* Mr Commissioner Jacobs held tribunals have no jurisdiction to consider the matter but this was reversed in *Secretary of State for Work and Pension v Chiltern DC & Warden HA* [2003] EWCA Civ 508 (to be reported as *R(H) 2/03*).<sup>35</sup> The Court was in no doubt that the exercise of the power of choice in reg. 101 was a decision to which there was a right of appeal. This raised the issue whether tribunals hearing appeals on this issue could have regard to the relative blameworthiness of the parties? Would the way reg. 99 can operate to find landlords liable when they are not at fault be a relevant factor in assessing the local authority's discretion? More generally how would tribunals, set up to conduct factual enquiries into entitlement, take on the role of reviewing a local

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<sup>34</sup> The Commissioner did not have to decide the 'Warwick point' because he found that the claimant would not have realised an overpayment was being paid to the landlord after he had left the address.

<sup>35</sup> Neither the landlord or the local authority choose to appear in the Court of Appeal

authority's discretion? A tribunal of Commissioners has recently issued guidance on how tribunals are to approach this new area of adjudication.<sup>36</sup> The challenge to the legality of a local authority's discretion is limited to whether it exceeded its powers; the tribunal cannot consider the merits of the decision (paras. 43, 49, 69).

#### Landlords' duty to report a change of circumstances

30. *CH/2791/2003* considered the landlord's duty under regs.75 and reg.101 of the 1987 Regulations to report change of circumstances. Under the Commissioner's analysis the duty was to report a change that might affect entitlement, leaving it to the local authority to investigate and determine whether or not it does. The Commissioner also held that the landlord's suspicion that his tenant was no longer in residence when he first gained entry to the premises was sufficiently strong to impose a duty to report it.

#### Resources

A Guide to Housing Benefit and Council Tax Benefit 2003/04, 26<sup>th</sup> edition - Zebedee, Ward & Lister CIH/Shelter; Chapter 18.

Housing Benefit and Council Tax Benefit Legislation, 2002/03, 15<sup>th</sup> edition - Findley, Poynter, Stagg, Ward; commentary to HB Regs. reg. 99 CPAG

Overpayments and Recovery of Social Security Benefit: A guide to advice and representation – Paul Stagg, LAG 1996, Part III Chapter 17-19

Technical Overpayments – Fiona Seymour Adviser 97 | May + June 2003 p 15

Welfare Benefits Handbook 2002/2003, 4<sup>th</sup> edition, CPAG Chapter 41, part 7.

Commissioners' website [www.osscsc.org](http://www.osscsc.org)

Housing Benefits decisions [www.hbinfor.org](http://www.hbinfor.org)

Guidance, manuals [www.dwp.gov.uk](http://www.dwp.gov.uk) under resources

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<sup>36</sup> *CH/5216/2001* et al.