**RECOVERY OF UC PAYMENTS ON ACCOUNT (ADVANCE PAYMENTS) ETC**

**SS (Payment on account of benefit) Regs 2013 [SS(PAB)Regs]**

Regs 5&6 – provisions for payments on account.

*made under SSAA s5(1)(r) – as amended by WRA s101(1)*

**SSAA s71ZG** – provides for the recovery of payments on account

**SS(Overpayment & Recovery) Regs 2013 [SS(OP)Regs]**

Reg. 3(1)(a) defines an overpayment as a ‘recoverable amount’.

Reg. 3(1)(b) & (2)(b) define a ‘payments on account’ recoverable under SSAA s71ZG as ‘recoverable amounts’.

Reg. 11(2)(a)-(c) provides the rate of recovery. (c) provides recovery at 15% of the standard allowance for a ‘payment on account’ and an overpayment (where (a) or (b) do not apply).

**UC etc (Claims & Payments)Regs 2013**

Reg. 60 provides for payments to third parties.

Sch. 6, para. 4. - provides for a maximum (total) amount of deductions of 40% of the standard allowance for relevant provisions specified in this para. inc (2)(d) – recovery of payments on account.

Sch. 6, para 5. – provides for priority but payments on account are not included in the priority list.

Therefore there is nothing in para. 4 that amends the maximum amount under SS(OP)Reg. 11(2)(c) of 15% to 40%. It merely provides (in effect) that if 15% is deducted for a payment on account there is 25% left for other permitted deductions (inc. overpayments).

Additionally if there are other deductions para. 5 does not provide where payments on account fit into the priority (first come first served?) but this omission does not override the overall limit of 40% deductions under para. 4.