Overpayment.
– Disclosure – relationship of UBO & DHSS
– continuing obligation.
– validity of appeal if AO later revises decision re amt. of overpayment.

Tribunal decision

T/SH/2/MD

Commissioner's File: CSB/966/1985
C A O File: AO 2680/85
Region:

SUPPLEMENTARY BENEFITS ACT 1976
APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A QUESTION OF LAW
DECISION OF A TRIBUNAL OF SOCIAL SECURITY COMMISSIONERS

Name:
Social Security Appeal Tribunal:
Case No: 34/10

[ORAL HEARING]

1. Our decision is that the decision of the Wolverhampton social security appeal tribunal dated 7 March 1985 is erroneous in point of law. Accordingly their decision is set aside and as, for the reasons hereinafter set out, it is not expedient that we should give the decision the tribunal should have given, we direct that the matter be remitted for rehearing by a differently constituted tribunal and determined in accordance with the guidance set out in this decision.

2. The claimant appeals to the Commissioner, with leave of the chairman of the Wolverhampton social security appeal tribunal, against the unanimous decision dated 7 March 1985 of that tribunal confirming the decision of the adjudication officer, issued on 7 March 1984, that the claimant had been overpaid supplementary benefit, but allowing the claimant's appeal therefrom in part, namely as to the amount of the overpayment which was recoverable.

3. The adjudication officer now concerned with the case, in the helpful submission dated 14 August 1985, submits that the appeal tribunal erred in law in allowing in part the claimant's said appeal and, further, in failing to determine the precise amount due for repayment by the claimant.

4. In effect both parties are contending that the appeal tribunal erred in law and both have made lengthy submissions and further observations. In the event an oral hearing was directed which took place on 1 October 1986, and at which the claimant was most ably represented by Mr D P Powell, a Welfare Rights Worker from the Social Services Department of the Metropolitan Borough of Wolverhampton, and the adjudication officer was represented by Miss R Kearns of the Solicitor's Office of the Department of Health and Social Security. We are greatly indebted to both Mr Powell and Miss Kearns for their assistance, and for the succinct and clear way in which they dealt with the issues of law raised in this case.

5. The factual background to this matter is not in dispute. The claimant who is a married man, now aged about 56 years, and unemployed, completed Form A11 on 12 January 1981

and thereafter received supplementary benefit for himself, his wife and their three dependant children, E, S & K.

6. In November 1983 the Department requested the claimant to provide information about the current circumstances of the two eldest children, E & S, and the claimant in his answer dated 29 November 1983 declared that they had both left school "in the summer", that E was in receipt of supplementary benefit in her own right and that S had started a YTS course on 25 July 1983. The claimant further stated that "All this was notified to your department when the child benefit book was surrendered at the correct time".

7. Upon further investigation it transpired that E had in fact left school in June 1982 (not 1983, as might have been inferred from the claimant's letter of 29 November 1983), and had been in receipt of supplementary benefit as a result of her own claim since 11 September 1982.

8. It is not disputed that the payments the claimant had continued to receive included an element in respect of both E and S, and it was in those circumstances that the adjudication officer, after initially assessing the amount thus overpaid at £980.28 for the period 13 September 1982 to 4 December 1983, revised the calculation to the present figure of £793.38 for the period 6 September 1982 (the beginning of the week in which E first received benefit for herself) to 4 December 1983 (when the payments for E and/or S were discontinued) on the basis set out in Appendix 1 to this decision.

9. At the outset of the hearing before us on 1 October 1986 a point of jurisdiction emerged concerning the aforesaid revision in respect of the amount and the period in question. Prima facie that constituted a review of the original decision against which the claimant had appealed and, in accordance with decision R(SB)1/82, the appeal lapsed. However, the appeal continued as if it had not lapsed and it is plain that, in Form AT2, the adjudication officer was treating the appeal as an appeal against the revised decision - the effect of which he summarised thereon. In the circumstances it has been suggested (although not by the advocates of either of the parties) that the appeal tribunal might not have had jurisdiction to hear the appeal, since there was no notice of appeal in writing against the reviewed decision, as required by regulation 3(1) of the Social Security (Adjudication) Regulations 1984 [SI. 1984 No. 451], and we must accordingly determine that as a preliminary issue.

10. The adjudication officer by his presentation of the matter in the Form AT2 has plainly consented to the appeal being treated as an appeal against the revised decision. But the jurisdiction of the tribunal to hear appeals is statutory and the tribunal cannot create its own jurisdiction from the consent of the parties. Although procedural requirements laid down by statute ought to be complied with, it does not follow that failure to comply to the letter will in all cases result in the proceedings being a nullity. It is sometimes said that a distinction has to be drawn between requirements that are mandatory and those which are merely directory. In Garner's Administrative Law (6th edition) at page 135 it is suggested that this distinction lays too much stress on the nature of the judicial requirement to the exclusion of other relevant considerations, and it is there suggested that the following are the relevant factors that fall to be considered in determining the consequences of failure to comply with the strict requirements of statutory procedure:

"- the extent of the failure to comply (ie has there been complete failure to comply or simply failure to comply 'to the letter'?)

- the nature and purpose of the procedure in question (ie is the procedure to be regarded as an important procedural safeguard for the citizen, or is the procedural requirement more a symptom of bureaucracy?)

- the consequences of the procedural failure (ie has anyone been prejudicially [affected]?)"

11. A Tribunal of Commissioners has recently in the case on file CSS 19/1985 (to be reported as R(S)5/86) held that the requirement in section 99(3) of the Social Security Act 1975, that notice in writing of a reference by an adjudication officer of a claim to an appeal tribunal be given could not be waived by a claimant so as to give the tribunal jurisdiction to deal with the reference. It was considered that there was a public interest in insisting on strict compliance, which we venture to think was that indicated at the second instance in the preceding paragraph. In the present case by contrast there is no interest of the citizen to be protected by insisting on strict compliance with the requirement of a written notice of appeal under regulation 3(1); and further there has been substantial compliance with the requirements of the regulation (so as to satisfy the first instance) and, far from there being any prejudice to the claimant in ignoring the procedural failure, there would be marked prejudice to him if it were not ignored inasmuch as the adjudication officer's acquiescence in proceeding without a written notice of appeal has led the claimant into failing to give a written notice within the time required by the regulations, with the result that instead of being entitled to appeal to the tribunal as of right he would need the consent of the tribunal chairman to appeal out of time. For these reasons we hold that, in this particular case at least, the appeal tribunal had jurisdiction to hear the claimant's appeal, and that we have jurisdiction to entertain an appeal from that tribunal. We would add that neither Mr Powell nor Miss Kearns sought to persuade us otherwise.

12. Section 20 of the Supplementary Benefits Act 1976, in so far as it is relevant in the present case, provides that -

"20. (1) If, whether fraudulently or otherwise, any person misrepresents, or fails to disclose any material fact, and in consequence of the misrepresentation or failure -

(a) the Secretary of State incurs any expenditure under this Act;

.....

the Secretary of State shall be entitled to recover the amount thereof from that person."

13. Regulation 8 of the Supplementary Benefit (Claims and Payments) Regulations 1981 [S.I. 1981 No. 1526] provides that -

"8. Every...person by whom...sums payable by way of benefit are receivable...in particular -

(a) shall notify the Secretary in State in writing of -

(i) any change of circumstances which is specified in the notice of determination...or, where applicable, the book of serial orders,

.....

as soon as reasonably practicable after the occurrence of that change..."

No notice of determination has been produced in this case but a copy of the coloured pages of the payable order book is in the file, headed "Please read these coloured pages carefully" (in capital letters) followed by the words, also in capitals, "changes which you must report", among which, under "other changes" are -

"6. You must also let the Issuing Office know at once on the blue form A9 or by letter, if you...or any...dependant:

(1) acquire any income, benefit, allowance or pension which you have not already reported to the Issuing Office...

.....

(5) (in the case of a...dependant) ceases to be dependant (eg a child leaves school and starts work)..."

It is plain from the above and, indeed, it is well settled that responsibility for keeping the Department informed of any change in a claimant's circumstances rests and remains upon the claimant although, as the Commissioner held in R(SB)40/84, "disclosure 'in writing'...is not a necessary ingredient to effective disclosure for the purposes of section 20" (paragraph 10).

14. There is no suggestion of misrepresentation by the claimant and the adjudication officer accepted that the claimant's "failure to disclose a material fact was wholly innocent", not that that relieves him of his duty to make such disclosure (see paragraph 4 of R(SB)21/82).

15. It was against that background of fact and law that the appeal tribunal heard this matter and found, in essence, that -

(a) when E applied for benefit in her own right she disclosed at the section handling the claimant's supplementary benefit, among information she was obliged to provide on the claim form, that the claimant, her father, as a member of whose household she had been (and still was) living, was in receipt of supplementary benefit;

(b) E's disclosure "constituted due notification... of the change of circumstances relevant to the claimant's rate of benefit, or at least [it] was reasonable for the claimant to believe he had taken the steps [necessary] to ensure that the information reached the Benefit Officer - R(SB)54/83 paragraph 16. There was, therefore, initially no failure to disclose";

(c) however, the claimant should have realised that he had not succeeded in making effective disclosure when his benefit continued at the same rate (see paragraph 18 of R(SB)54/83), and consequently he failed to comply with his continuing obligation to disclose and the benefit overpaid after 15 October 1982 was recoverable;

(d) so far as S was concerned, the "notification to the Contributory Benefits Section" (which was in the same building as the section handling the claimant's claim) on 17 August 1983 did not constitute disclosure to the supplementary benefit section, and consequently the amount overpaid in respect of her was recoverable (this was a reference to the fact which emerged from the evidence before the tribunal that the claimant's wife had handed in her child benefit book at the contributory benefits section in exchange for a book relating to K only, instead of S and K);

(e) the essential distinction between E's case and S's case was that in the former there was adequate disclosure to the suplementary benefit section, and it must follow that the tribunal found, although they did not express it in those terms, that E was in effect acting as the claimant's agent.

16. Mr Powell, for the claimant, not surprisingly has not challenged the tribunal's decision that E's statement to the Department in connection with her own claim amounted to

disclosure on the claimant's behalf but, for reasons fully set out in the claimant's application for leave to appeal dated 3 April 1985 and expanded before us on 1 October 1986, he submits that they were wrong in going on to decide that the claimant's duty to disclose arose again when "he should have realised" that his disclosure "was not effective". He further submits that the distinction drawn by the tribunal between E's case and S's, namely that, whereas E made a statement to the supplementary benefit section, the information regarding S had been given to the contributory benefit section, was invalid. Mr Powell submitted - adopting the words used by the Commissioner in paragraph 9 of CSB/1397/1985 -"disclosure is disclosure". Mr Powell further emphasised the inconsistency, or apparent inconsistency, between paragraph 18 of Commissioners' decision R(SB)54/83, by which the tribunal considered themselves bound, and decisions R(SB)36/84 and CSB/1397/1985.

17. In R(SB)54/83, at paragraph 16, the Commissioner held that the -

> "...material fact must be communicated to the right branch of the Department of Health and Social Security, which in most cases is the local Supplementary Benefit Office. But this is not to say that the local Supplementary Benefit Office must necessarily be informed by the claimant in person, if the communication is made in some other way which might reasonably be expected to reach the local office."

and continued, at paragraph 18 -

> "The obligation to disclose is, however, a continuing obligation. If, after disclosure has been made, a claimant continues to receive his benefit at the existing rate, so that he has reason to suspect that his disclosure was ineffective, he cannot sit idly by. He must take further, and more effective, steps to make the necessary disclosure."

However, in the unreported decision CSB/347/83 the Commissioner held, at paragraph 5 -

> "Thus, if it be held that disclosure was made (whether in writing or orally), but the disclosure has been administratively overlooked and account has not been taken of it in computing a claimant's proper entitlement to benefit subsequent thereto, there can be no question of a liability for recovery being imposed on a claimant under section 20 by reference to that alleged failure to disclose."

18. Mr Powell directed our attention to a number of authorities and, while we greatly appreciate his thorough research, we have not found it necessary to deal with all the decisions he cited to us. For the sake of completeness we have set out in Appendix 2 to this decision all the authorities cited by the parties.

19. In Foster v Federal Commissioner of Taxation (1951) 82 CLR 606, an Australian decision cited to us by Mr Powell, Latham CJ said at pages 614 and 615 -

> "In my opinion it is not possible, according to the ordinary use of language, to 'disclose' to a person a fact of which he is, to the knowledge of the person making a statement as to the fact, already aware. There is a difference between 'disclosing' a fact and stating a fact. Disclosure consists in the statement of a fact by way of disclosure so as to reveal or make apparent that which (so far as the 'discloser' knows) was previously unknown to the person to whom the statement was made. Thus...the failure of the [plaintiff] to repeat to the Commissioner what he already knew did not constitute a failure to disclose material facts."

20. Mr Powell's argument to a large extent necessarily consisted of variations on the theme of "disclosure is disclosure". He contended that the disclosure required by section 20 was disclosure to the Secretary of State; that this did not mean disclosure to the individual that happened for the time being to hold that office, but disclosure to the Secretary of State in the abstract, that is to say disclosure to any person in the course of his duty on whom any of the functions of the Secretary of State devolved, or in other words to any member

of the staff of his department: and that disclosure to any one such staff member was disclosure to the Secretary of State such that thereafter no further disclosure to the Secretary of State was possible. From that flowed his submission that section 20 is self-contained, that its wording is plain and unambiguous, that the words must be interpreted in their ordinary sense (see Cozens v Brutus [1973] AC 854), and the statute must be construed literally in accordance with the principles laid down in Stoke v Frank Jones (Tipton) Ltd [1978] 1 WLR 231, in which, at page 238 H, Lord Scarman cited with approval what he described as Lord Atkinson's "stark" words in Vacher & Sons Ltd v London Society of Compositors [1913] AC 107 -

> "If the language of a statute be plain, admitting of only one meaning, the legislature must be taken to have meant and intended what it has plainly expressed, and whatever it has in clear terms enacted must be enforced though it should lead to absurd or mischievous results."

21. Miss Kearns' principal submission was that what the claimant had done - if anything - did not even amount to an attempt to disclose. She argued cogently that it might have been different if, for example, E had said something to the effect that she was giving the Department the information about her father, the claimant, because he realised it would affect his position, but that, in the absence of evidence at least pointing in the direction of E having acted on the claimant's behalf, the onus of proving disclosure within the meaning of section 20 remained on the claimant and that it was unrealistic to attempt to fix the Department with knowledge of everything in its files.

22. Both parties, however, made concessions. Mr Powell accepted that the information (to use a neutral word) about the change in circumstances of E and S had been given to the Department about a week late and to that extent only, in each case, the claimant was liable to make repayment and, as will appear, he qualified his more extreme submissions about disclosure to the Secretary of State. Miss Kearns, rather more dramatically, conceded that if a claimant makes proper disclosure of a single non-recurring relevant fact (for example, a child leaving school), and a mistake in the Department results in benefit continuing to be paid to the claimant, then such payment would not be "in consequence" of the failure to disclose and, while the claimant might well have a moral duty to repay what he was not entitled to receive, recovery could not be enforced pursuant to section 20.

23. Miss Kearns also initially supported the submission of the adjudication officer dated 14 August 1985 that, in view of the Commissioner's decision R(SB)9/85, the tribunal had no jurisdiction to refer back for recalculation the amount of overpayment, but she later withdrew her objection to the tribunal's decision on that ground. As the matter has been raised we think we should deal with it and, in the circumstances, can do so briefly. The decision under appeal in R(SB)9/85 was a final decision of the appeal tribunal, expressed as merely confirming the decision of the adjudication officer. That is, in our view, an important and fundamental distinction which, with respect, seems to have been overlooked by the adjudication officer. The present decision under appeal is plainly, by its very terms, not a final decision as it provided for reference back to the tribunal of the assessment of the amount to be repaid. They simply adopted the course followed by the Commissioner in paragraph 29(5) of R(SB)4/83. In our judgment there is nothing objectionable in a tribunal making a decision such as that in the instant case to the effect that the amount recoverable from the claimant is to be reassessed, on the basis indicated, and if not agreed there should be liberty for the matter to be referred back for the tribunal to assess the amount; on the contrary that seems to us an eminently practical way of dealing with this sort of problem.

24. It was against the foregoing background of fact, law and legal argument that we have considered our decision. We should state at the outset that we accept Mr Powell's proposition, well supported by authority, that we must give the words of section 20 their ordinary everyday meaning.

25. The Shorter Oxford English Dictionary (3rd edition) defines the verb to "disclose" as meaning to "open up to the knowledge of others; to reveal". We respectfully agree with

Latham CJ's opinion that disclosure consists in the statement of as fact so as to reveal that which so far as the discloser knows was previously unknown to the person to whom the statement was made. But section 20 leaves to inference the questions to and by whom the relevant disclosure is to be made. Mr. Powell submitted that, in the context of the section it could only be to the Secretary of State. While we accept that it is the only practical interpretation that disclosure is required, if not to the Secretary of State personally, then at least to some person or persons having a connection with the Secretary of State such as members of the staff of his Department, we reject the submissions that disclosure to any member of the staff of the Department at large constitutes disclosure to the Secretary of State so as to satisfy section 20; and that further disclosure thereafter is impossible. Such a submission in our view goes far beyond anything said by Latham CJ in the passage cited and far beyond anything demanded by the express words of section 20 itself.

26. To what members of the staff of the Department should disclosure then be made? The section uses the phrase "fails to disclose" and not "does not disclose" and one Commissioner said in Decision R(SB) 21/82 at paragraph 4(2) (in a passage that has frequently, eg in Decision R(SB) 28/83 at paragraph 11 and R(SB) 54/83 at paragraph 13(3), been cited with approval by other Commissioners) that a failure imported the breach of some obligation such that the relevant non-disclosure occurred in circumstances in which, at the lowest, disclosure by the person in question was reasonably to be expected. To whom is there this obligation to disclose? We are concerned here with breaches of the obligation which have the consequence that expenditure is incurred by the Secretary of State; and, in our view, the obligation is to disclose to a member or members of the staff of an office of the Department handling the transaction giving rise to the expenditure. We consider hereafter the way in which this obligation can be fulfilled. Miss Kearns conceded, rightly in our view, that once disclosure had been made to a particular person there can be no question of his being under any obligation to repeat that disclosure to the same person; and for reasons to which we shall come we consider that there is nothing in paragraph 18 of Decision R(SB) 54/83 relied on by the appeal tribunal in this case, inconsistent with Miss Kearns' concession.

27. How is this obligation fulfilled? Mr. Powell, by way of qualification of his wider submission already described, submitted that disclosure by any person to any member of the staff of the Department would suffice if either the disclosure contained some reference (however oblique) to the fact that the claimant was claiming supplementary benefit or was made in any part of the "integrated office" in which the claimant was claiming supplementary benefit. We are not able to accept even this narrower formulation. In truth the problem is twofold, there being a question to whom and a question by whom the necessary disclosure needs to be made. We will take these two matters separately.

28. We accept that a claimant cannot be expected to identify the precise person or persons who have the handling of his claim. His duty is best fulfilled by disclosure to the local office where his claim is being handled either in the claim form or otherwise in terms that make sufficient reference to his claim to enable the matter disclosed to be referred to the proper person. If he does this, it is difficult, having regard to our acceptance of Miss Kearns' concession, to visualise any circumstances in which a further duty to disclose the same matter can arise. In the case of a claimant required to be available for employment, who is directed by regulation 3(2)(a) of the Supplementary Benefit (Claims and Payments) Regulations 1981 [SI 1981 No1525] to deliver or send his claim to the relevant unemployment benefit office for onward transmission to the Department, disclosure on the claim form submitted must also be regarded as fulfilling the duty. But, as was pointed out in R(SB)54/83, there can be other occasions when the duty can be fulfilled by disclosure elsewhere. This can happen, for instance, if an officer in another office of the Department of Health and Social Security or local unemployment benefit office accepts information in circumstances which make it reasonable for the claimant to think the matters disclosed will be passed on to the local office in question. It was in reference to this sort of case that the Commissioner included in paragraph 18 of Decision R(SB)54/83 his statement about a

continuing duty. A claimant who has made such disclosure has not in fact made disclosure to the right person or in the right place, but he has done something which has the effect that, for the time being at least, further disclosure is not reasonably to be expected of him. We consider that paragraph 18 of R(SB) 54/83 is concerned with the case of a claimant who subsequently becomes aware, or should have become aware, that the information has not been transmitted to the proper person or place and who is then under a duty to make disclosure to that person or place. We desire to reserve for consideration when it arises the question whether the means of knowledge that the information has not been transmitted has the same effect as actual knowledge.

29. We turn now to the question by whom the disclosure should be made. On this issue we are firmly of the opinion that, although section 20 uses the words "any person", in order to give efficacy to the section - and without straining the meaning of the words or departing from the principles of statutory interpretation we have accepted -, where the expenditure in question has taken the form of benefit payable to a claimant, the person upon whom the onus of disclosure is placed must be the claimant. In our judgment disclosure must be made, in connection with the claimant's own benefit, by the claimant himself or, on his behalf, by someone else. In this context we would consider that disclosure could fall within the ambit of having been made "on behalf" of the claimant if someone else were to give information concerning the claimant in the course of some entirely separate transaction (for example, in connection with the informant's own claim for benefit), provided that:-

(a) the information was given to the relevant benefit office;
(b) the claimant was aware that the information had been so given; and
(c) in the circumstances it was reasonable for the claimant to believe that it was unnecessary for him to take any action himself.

Whether or not a claimant has made disclosure will therefore be a question of fact to be decided upon the evidence before the tribunal, and we have deliberately refrained from the use of the word "agency" in connection with information given by some third party as, in our judgment, that would import an unnecessary legal complication into what we consider to be essentially a simple question of fact. Neither would it be helpful for us to attempt to give examples of situations which might arise; suffice it to say that we are clearly of the opinion that casual or incidental disclosure by some other person (in the present case E, for example) of information regarding the claimant will not discharge the duty of disclosure.

30. Having regard to the manner in which information provided to the Department is, or should be, dealt with, and to the general practice of the Department, which was so helpfully outlined to us by Miss Kearns (see for example, paragraph 6549 of the Department's S Manual), it would follow that there could be circumstances in which the Secretary of State would be in possession of certain knowledge - even though not supplied to him by or with the knowledge of the claimant - which would make it impossible to say that he thereafter incurred expenditure in consequence of the claimant's failure to disclose. Indeed there must be many cases in which, for this reason, wrong expenditure is not incurred despite the claimant's failure to disclose. Again that will be a question of fact in each case and, in particular, it will be for the differently constituted appeal tribunal to whom this case is remitted to determine whether E's statement had that effect.

31. In our judgment it was not open to the tribunal, as a matter of law, upon the evidence before them, to find that E's statement on her own behalf was sufficient disclosure of the claimant's change of circumstances. Equally, in our view, the tribunal were correct in holding that S's mother's action in handing back the child benefit book, while proper and admirably prompt in itself, did not constitute disclosure on the claimant's behalf not only, as the tribunal found, because the information had not been received by (or on behalf of) the supplementary benefit section in the local office, but also because, as we have set out above, the information about S was apparently given, by the claimant's wife, solely in connection with S. Again these are matters which the new tribunal will be entitled to reconsider and determine according to their assessment of the evidence and the facts they accept or reject and in accordance with the principles of law set out in this decision.

32. The appeal tribunal plainly took a great deal of trouble in arriving at their decision; their record of material facts and of their reasons for their decision are fully and carefully set out and we can well understand how, in the light of the decisions on which they were relying, they came to give a decision which in our judgment was erroneous in law. In the circumstances we regret that it is not practicable for us to give the decision the tribunal should have given; we had hoped to be able to do so but both Mr Powell and Miss Kearns agreed that, if we should find as we have, then some recalculation of any benefit found to have been overpaid would be necessary and, that as that would require further findings of fact it was an adjustment we could not make under our existing powers. Incidentally, we wonder whether Mr Powell was perhaps too precipitate in his concessions regarding late notification as, at any rate in S's case, it seems to us that benefit to the claimant for her would cease with effect from the date on which her first payment under the YTS scheme became payable; see regulation 9 of the Supplementary Benefit (Resources) Regulations 1981 [SI. 1981 No. 1527] and regulation 10 of the Suplementary Benefit (Conditions of Entitlement) Regulations 1981 [SI. 1981 No. 1526]. No doubt Mr Powell will be able to clarify that before the next hearing.

33. In the circumstances the new tribunal who rehear this case will determine, in accordance with the principles set out in this decision, firstly, whether the claimant failed to disclose any material fact relating to E or to S and, in either case, if so, then secondly, whether the Secretary of State incurred expenditure in consequence of that non-disclosure, and thirdly, what, if any, sum the Secretary of State is entitled to recover.

Signed: J G Monroe
Commissioner

Signed: J G Mitchell
Commissioner

Signed: M H Johnson
Commissioner

Date: 10th November 1986

APPENDIX 1

WEEKLY COMBINED BENEFIT PAYMENT *	PERIOD		WEEKLY SUPPLEMENTARY BENEFIT		WEEKLY AMOUNT OVERPAID	NO OF WEEKS	AMOUNT OVERPAID	REASON FOR CHANGE OF RATE IN COL (3)
	FROM	TO	PAID	CORRECT AMOUNT				
	(1)	(2)	£ (3)	£ (4)	£ (5)	(6)	£ (7)	(8)
	6.9.82	21.11.32	53.80	44.20	9.60	11	105.60	
	22.11.82	3.4.83	60.51	49.46	11.05	19	209.95	1982 Regs. Real increase
	4.4.83	31.7.83	48.83	40.88	7.95	17	135.15	U.H.B Sykes appeal 16
	1.8.83	23.10.83	48.83	30.93	17.90	12	214.80	
	24.10.83	20.11.83	48.83	27.55	21.28	4	85.12	
	21.11.83	4.12.83	50.93	29.55	21.38	2	42.76	1983 Regs.
						TOTAL	£793.38	

* Includes supplementary benefit as shown in Column 3.

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APPENDIX 2

Heydon's Case (1584) 3 Co.Rep. 7a.

Abley v Dale (1851) 11 C.B. 378.

R v Skeen (1859) Bell's Cr. Cases 97.

R v Peters (1886) 16 Q.B.D. 636.

Magor & St Mellons RDC v Newport Corporation [1951] 2 AER 839.

Foster v Federal Commissioner of Taxation (1951) 82 C.L.R. 606.

Inland Revenue Commissioners v Hinchy [1960] 1 AER 505.

Luke v Inland Revenue Commissioners [1963] 1 AER 655.

Engineering Industry Training Board v Samuel Talbot (Engineers) [1969] 1 AER 480.

Pinner v Everett [1969] 3 AER 257.

Cozens v Brutus [1973] AC 854.

Maunsell v Olins [1975] 1 AER 16.

Stock v Frank Jones (Tipton) Ltd [1978] 1 WLR 231.