



# Industrial Tribunals Act 1996

## 1996 CHAPTER 17

### PART I

#### INDUSTRIAL TRIBUNALS

##### *Recoupment of social security benefits*

#### **16 Power to provide for recoupment of benefits**

- (1) This section applies to payments which are the subject of proceedings before industrial tribunals and which are—
  - (a) payments of wages or compensation for loss of wages,
  - (b) payments by employers to employees under sections 146 to 151, sections 168 to 173 or section 192 of the Trade Union and Labour Relations (Consolidation) Act 1992,
  - (c) payments by employers to employees under—
    - (i) Part III, V, VI or VII,
    - (ii) section 93, or
    - (iii) Part X,of the Employment Rights Act 1996, or
  - (d) payments by employers to employees of a nature similar to, or for a purpose corresponding to the purpose of, payments within paragraph (b) or (c),and to payments of remuneration under a protective award under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (2) The Secretary of State may by regulations make with respect to payments to which this section applies provision for any or all of the purposes specified in subsection (3).
- (3) The purposes referred to in subsection (2) are—
  - (a) enabling the Secretary of State to recover from an employer, by way of total or partial recoupment of jobseeker's allowance or income support—

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*Status: This is the original version (as it was originally enacted).*

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- (i) a sum not exceeding the amount of the prescribed element of the monetary award, or
    - (ii) in the case of a protective award, the amount of the remuneration,
  - (b) requiring or authorising an industrial tribunal to order the payment of such a sum, by way of total or partial recoupment of either benefit, to the Secretary of State instead of to an employee, and
  - (c) requiring an industrial tribunal to order the payment to an employee of only the excess of the prescribed element of the monetary award over the amount of any jobseeker's allowance or income support shown to the tribunal to have been paid to the employee and enabling the Secretary of State to recover from the employer, by way of total or partial recoupment of the benefit, a sum not exceeding that amount.
- (4) Regulations under this section may be framed—
  - (a) so as to apply to all payments to which this section applies or to one or more classes of those payments, and
  - (b) so as to apply to both jobseeker's allowance and income support, or to only jobseeker's allowance or income support.
- (5) Regulations under this section may—
  - (a) confer powers and impose duties on industrial tribunals or adjudication officers or other persons,
  - (b) impose on an employer to whom a monetary award or protective award relates a duty—
    - (i) to furnish particulars connected with the award, and
    - (ii) to suspend payments in pursuance of the award during any period prescribed by the regulations,
  - (c) provide for an employer who pays a sum to the Secretary of State in pursuance of this section to be relieved from any liability to pay the sum to another person,
  - (d) confer on an employee a right of appeal to a social security appeal tribunal against any decision of an adjudication officer as to the total or partial recoupment of an income-based jobseeker's allowance or of income support in pursuance of the regulations, and
  - (e) provide for the proof in proceedings before industrial tribunals (whether by certificate or in any other manner) of any amount of jobseeker's allowance or income support paid to an employee.
- (6) Regulations under this section may make different provision for different cases.