



Childcare Payments Act 2014

2014 CHAPTER 28

Recovery of top-up payments

36 Recovery of top-up payments where tax credits award made on appeal

- (1) This section applies where—
 - (a) a person (“P”), or (in the case of a joint claim) P or P’s partner at the time of the claim, has brought an appeal under section 38 of the Tax Credits Act 2002 against a decision not to make an award of a tax credit or to terminate such an award, and
 - (b) the appeal is upheld.
- (2) P is liable to pay HMRC an amount equal to the sum of—
 - (a) any top-up payments made to P for an entitlement period falling wholly within the relevant period, and
 - (b) the relevant proportion of the sum of any top-up payments made to P for an entitlement period falling partly within the relevant period.
- (3) The “relevant period” means the period in relation to which the following conditions are met—
 - (a) it falls within the appeal period (see subsection (4)),
 - (b) it is a period for which an award of a tax credit is made, or continues, as a result of the appeal being upheld, and
 - (c) where the award has been made to P and P’s partner on a joint claim, the person who was P’s partner at the time of the claim has been P’s partner throughout the period.
- (4) The “appeal period” means the period which—
 - (a) begins with the day on which the decision was made, and
 - (b) ends with—
 - (i) the day on which the person who brought the appeal is notified of the decision on the appeal, or
 - (ii) if that day falls within an entitlement period for which P has made a valid declaration of eligibility, the last day of the entitlement period.

Changes to legislation: There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 36. (See end of Document for details)

- (5) In subsection (2)(b) the “relevant proportion”, in relation to top-up payments made for an entitlement period, means a proportion equal to the proportion of the entitlement period which falls within the relevant period.
- (6) In this section “joint claim” has the same meaning as in the Tax Credits Act 2002.
- (7) For provision about terminating an award of a tax credit when a declaration of eligibility is made for a subsequent entitlement period, see section 30.

Commencement Information

- I1** S. 36 in force at 14.11.2016 for the purposes of the trial by S.I. 2016/1083, reg. 2(e)
- I2** S. 36 in force at 21.4.2017 in so far as not already in force by S.I. 2017/578, reg. 3(d)

Changes to legislation:

There are currently no known outstanding effects for the Childcare Payments Act 2014, Section 36.