



# Recovery of Social Welfare Overpayments

This leaflet aims to answer the main questions that you are likely to have if we have overpaid you any social welfare payment.

## What happens if I am overpaid?

We will tell you:

- why you were overpaid,
- how much you were overpaid,  
and
- how we suggest you repay us.

## How will I repay the overpayment?

We may ask you to repay the overpayment by:

- making a **single payment** to repay the full amount, if it is suitable,
- making **repayments by cash, cheque or standing order** each week or month until the overpayment is paid off,  
or
- if you are still getting a social welfare payment, **deducting the overpayment from your weekly payment**. If necessary, we may also hold onto any arrears that might be due to you.

## Will I have the right to comment on how I repay the overpayments?

Yes, you will get a chance to comment on the repayment method we propose and tell us about any circumstances that could affect your ability to repay the overpayment.

## If I am repaying the overpayment in stages, what rate of repayment will apply?

When we work out the rate of repayment appropriate in your case, we consider:

- your ability to repay,
- any relevant facts or circumstances that you have told us about,  
and
- the amount of the overpayment and how it happened.

## What if I cannot afford to repay the overpayment?

We will suggest a repayment method that we believe you can afford, based on the facts of your case.

If you wish us to recover the overpayment from your weekly social welfare payment, we will not reduce your income below the weekly rate of Supplementary Welfare Allowance appropriate to your family circumstances without your written agreement.

If your circumstances change, we will require you to repay the overpayment at a rate that you can afford.

Issued by:  
Information Services  
Department of Social Protection  
Social Welfare Services  
College Road  
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For more information:

- Log on to [www.welfare.ie](http://www.welfare.ie).
- LoCall Information Line **1890 66 22 44** (from the Republic of Ireland only) or **+353 71 91 933313** (from Northern Ireland or overseas).
- Drop in to your local Social Welfare Office or Citizens Information Centre.

## Can you reduce or cancel my overpayment?

We must make every effort to recover the overpayment in full. We may reduce or cancel an overpayment, however, if it occurred because:

- we failed to act on information that we received about you,
- or
- we made a mistake that you could not reasonably be expected to have noticed.

We will only consider reducing or cancelling the overpayment in these cases if we could not reasonably have expected you to know about our error or failure.

If you consider that an error or failure of this kind has occurred in your case, you must tell us immediately.

## What if I could have got a different social welfare payment for the period that the overpayment happened?

We may reduce the amount you have to repay if we find that you would have qualified for another social welfare payment in the period that the overpayment happened.

Please tell us immediately about any details that would entitle you to another payment.

## Can I be taken to court?

If the overpayment arose because of fraud, we can take a criminal prosecution against you, even if you are paying back the overpayment. For example, if you got a job, didn't tell us about it, continued to sign-on and get your jobseeker's payment, that would be regarded as fraud.

We may also consider taking a civil case against you to recover the overpayment. Civil proceedings can be taken anytime up to six years usually from the date of the Deciding Officer's or Appeals Officer's decision about the overpayment.

## Do I need to repay any overpaid Supplementary Welfare Allowance?

Yes.

## Where can I get more information?

You can get a copy of the Regulation relating to the recovery of overpayments (S.I. No. 142 of 2007, part 9, articles 242 to 249) from your local Social Welfare Office. The Regulation is also available on the Department's website [www.welfare.ie](http://www.welfare.ie).

**This leaflet is intended as a guide only and does not purport to be a legal interpretation.**