



# Social Security Act 1986

## 1986 CHAPTER 50

### PART III

#### THE SOCIAL FUND

#### **32 The social fund and social fund officers**

- (1) There shall be established a fund, to be known as the social fund.
- (2) Payments may be made out of that fund, in accordance with this Part of this Act—
  - (a) to meet, in prescribed circumstances, maternity expenses and funeral expenses ; and
  - (b) to meet other needs in accordance with directions given or guidance issued by the Secretary of State.
- (3) Payments under this section shall be known as " social fund payments ".
- (4) Social fund payments to meet funeral expenses may in all cases be recovered, as if they were funeral expenses, out of the estate of the deceased, and (subject to section 53 below) by no other means.
- (5) The social fund shall be maintained under the control and management of the Secretary of State and payments out of it shall be made by him.
- (6) The Secretary of State shall make payments into the social fund of such amounts, at such times and in such manner as he may with the approval of the Treasury determine.
- (7) Accounts of the social fund shall be prepared in such form, and in such manner and at such times, as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies of it, together with his report, before Parliament.
- (8) The Secretary of State shall appoint officers, to be known as " social fund officers ", for the purpose of performing functions in relation to social fund payments such as are mentioned in subsection (2)(b) above; and the Secretary of State may allocate an

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amount, or allocate different amounts for different purposes, for such payments by a particular social fund officer or group of officers in a financial year.

- (9) A social fund officer may be appointed to perform all the functions of social fund officers or such functions of such officers as may be specified in his instrument of appointment.

### **33 Awards by social fund officers**

- (1) A social fund payment such as is mentioned in section 32(2)(b) above may be awarded to a person only if an application for such a payment has been made by him or on his behalf.
- (2) The questions whether such a payment is to be awarded and how much it is to be shall be determined by a social fund officer.
- (3) A social fund officer may determine that an award shall be payable in specified instalments at specified times.
- (4) A social fund officer may determine that an award is to be repayable.
- (5) An award which is repayable shall be recoverable by the Secretary of State.
- (6) Without prejudice to any other method of recovery, the Secretary of State may recover an award by deduction from prescribed benefits.
- (7) The Secretary of State may recover an award—
- (a) from the person to or for the benefit of whom it was made;
  - (b) where that person is a member of a married or unmarried couple, from the other member of the couple;
  - (c) from a person who is liable to maintain the person by or on behalf of whom the application for the award was made or any person in relation to whose needs the award was made.
- (8) Subsections (3) to (6) of section 26 above have effect for the purposes of subsection (7) (c) above as they have effect for the purposes of sections 24 to 26 above.
- (9) In determining whether to make an award to the applicant or the amount or value to be awarded an officer shall have regard, subject to subsection (10) below, to all the circumstances of the case and, in particular—
- (a) the nature, extent and urgency of the need;
  - (b) the existence of resources from which the need may be met;
  - (c) the possibility that some other person or body may wholly or partly meet it;
  - (d) where the payment is repayable, the likelihood of repayment and the time within which repayment is likely;
  - (e) any relevant allocation under section 32(8) above.
- (10) An officer shall determine any question under this section in accordance with any general directions issued by the Secretary of State and in determining any such question shall take account of any general guidance issued by him.
- (11) Payment of an award shall be made to the applicant unless the social fund officer determines otherwise.

- (12) In this section " married couple" and " unmarried couple " are to be construed in accordance with Part II of this Act and regulations made under it.

### **34      Reviews**

- (1) A social fund officer—
- (a) shall review a determination made under this Part of this Act by himself or some other social fund officer, if an application for a review is made to him within such time and in such form and manner as may be prescribed by or on behalf of the person who applied for the social fund payment to which the determination relates; and
  - (b) may review such a determination in such other circumstances as he thinks fit; and may exercise on a review any power exercisable by an officer under section 33 above.
- (2) The power to review a determination conferred on a social fund officer by subsection (1) above includes power to review a determination made by a social fund officer on a previous review.
- (3) On an application made by or on behalf of the person to whom a determination relates within such time and in such form and manner as may be prescribed a determination of a social fund officer which has been reviewed shall be further reviewed by a social fund inspector appointed by the social fund Commissioner under section 35 below.
- (4) On a review a social fund inspector shall have the following powers—
- (a) power to confirm the determination made by the social fund officer;
  - (b) power to make any determination which a social fund officer could have made;
  - (c) power to refer the matter to a social fund officer for determination.
- (5) A social fund inspector may review a determination under subsection (3) above made by himself or some other social fund inspector.
- (6) In determining a question on a review a social fund officer or social fund inspector shall have regard, subject to subsection (7) below, to all the circumstances of the case and, in particular, to the matters specified in section 33(9)(a) to (e) above.
- (7) An officer or inspector shall determine any question on a review in accordance with any general directions issued by the Secretary of State under section 33(10) above and any general directions issued by him with regard to reviews and in determining any such question shall take account of any general guidance issued by him under that subsection or with regard to reviews.
- (8) Directions under this section may specify—
- (a) the circumstances in which a determination is to be reviewed; and
  - (b) the manner in which a review is to be conducted.

### **35      The social fund Commissioner**

- (1) There shall be an officer to be known as the social fund Commissioner (in this section referred to as " the Commissioner ").
- (2) The Commissioner shall be appointed by the Secretary of State.

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- (3) The Commissioner—
- (a) shall appoint such social fund inspectors;
  - (b) may appoint such officers and staff for himself and for social fund inspectors, as he thinks fit, but with the consent of the Secretary of State and the Treasury as to numbers.
- (4) Appointments under subsection (3) above shall be made from persons made available to the Commissioner by the Secretary of State.
- (5) It shall be the duty of the Commissioner—
- (a) to monitor the quality of decisions of social fund inspectors and give them such advice and assistance as he thinks fit to improve the standard of their decisions ;
  - (b) to arrange such training of social fund inspectors as he considers appropriate; and
  - (c) to carry out such other functions in connection with the work of social fund inspectors as the Secretary of State may direct.
- (6) The Commissioner shall report annually in writing to the Secretary of State on the standards of reviews by social fund inspectors and the Secretary of State shall publish his report.