



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART III

#### OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

##### *Social fund awards*

#### **78 Recovery of social fund awards**

- (1) A social fund award which is repayable shall be recoverable by the Secretary of State.
- (2) Without prejudice to any other method of recovery, the Secretary of State may recover an award by deduction from prescribed benefits.
- (3) 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.
- (4) 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 71 above) by no other means.
- (5) In this section—

“married couple” means a man and woman who are married to each other and are members of the same household;

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in circumstances prescribed under section 132 of the Contributions and Benefits Act.

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*Status: This is the original version (as it was originally enacted).*

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- (6) For the purposes of this section—
- (a) a man shall be liable to maintain his wife and any children of whom he is the father;
  - (b) a woman shall be liable to maintain her husband and any children of whom she is the mother;
  - (c) a person shall be liable to maintain another person throughout any period in respect of which the first-mentioned person has, on or after 23rd May 1980 (the date of the passing of the Social Security Act 1980) and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person; and
  - (d) “child” includes a person who has attained the age of 16 but not the age of 19 and in respect of whom either parent, or some person acting in the place of either parent, is receiving income support.
- (7) Any reference in subsection (6) above to children of whom the man or the woman is the father or the mother shall be construed in accordance with section 1 of the Family Law Reform Act 1987.
- (8) Subsection (7) above does not apply in Scotland, and in the application of subsection (6) above to Scotland any reference to children of whom the man or the woman is the father or the mother shall be construed as a reference to any such children whether or not their parents have ever been married to one another.
- (9) A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Secretary of State; and
  - (b) states that the document apart from the certificate is, or is a copy of, such an undertaking as is mentioned in subsection (6)(c) above,
- shall be conclusive of the undertaking in question for the purposes of this section; and a certificate purporting to be so signed shall be deemed to be so signed until the contrary is proved.