
STATUTORY INSTRUMENTS

1988 No. 35

SOCIAL SECURITY

**The Social Fund (Recovery by Deductions
from Benefits) Regulations 1988**

Made - - - - 14th January 1988
Laid before Parliament 18th January 1988
Coming into force - - 11th April 1988

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 33(6) and 84(1) of the Social Security Act 1986 ^{M1}, and of all other powers enabling him in that behalf, by this instrument which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, makes the following Regulations:

Modifications etc. (not altering text)

C1 Instrument applied (with modifications) (1.10.2010) by [Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No.2\) Regulations 2010 \(S.I. 2010/1907\)](#), regs. 1(2), **16(2)(e)(iii)**, 16(3) (with reg. 3)

Marginal Citations

M1 1986 c. 50; [section 84\(1\)](#) is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

Citation and commencement

1. These Regulations may be cited as the Social Fund (Recovery by Deductions from Benefits) Regulations 1988 and shall come into force on 11th April 1988.

Interpretation

2. In these Regulations “the principal Act” means the Social Security Act 1975 ^{M2}.

Marginal Citations

M2 1975 c. 14.

Benefits from which an award may be recovered

3. The following benefits are prescribed for the purposes of section 33(6) of the Social Security Act 1986 as benefits from which an award from the social fund may be recovered by deduction—

- (a) income support^{F1}...
- (aa) [^{F2}state pension credit under the State Pension Credit Act 2002]
- [^{F3}(b) family credit awarded with effect from a date falling before 5th October 1999;]
- (c) ^{F4}...
- [^{F5}(d) incapacity benefit under section 86A of the Social Security Contributions and Benefits Act 1992;]
- [^{F6}(dd) an employment and support allowance under section 1 of the Welfare Reform Act 2007;]
- (g) maternity allowance under section 22(1) of the principal Act ^{M3};
- (h) widowed mother's allowance under section 25(1) and (2) of the principal Act ^{M4};
- (i) widow's pension under section 26(1) of the principal Act ^{M5};
- (j) retirement pension (Categories A and B) under sections 28(1) and 29(1) of the principal Act ^{M6};
- [^{F7}(ja) a state pension under Part 1 of the Pensions Act 2014;]
- (k) severe disablement allowance under section 36 of the principal Act ^{M7};
- (l) [^{F8}carer's allowance] under section 37 of the principal Act ^{M8};
- (m) retirement pension (Categories C and D) under section 39(1) of the principal Act ^{M9};
- (n) age addition under section 40(1) and (2) of the principal Act;
- ^{F9}(o)
- (p) increases to ^{F10}..., [^{F11} short-term incapacity benefit] and maternity allowance under section 44(1) and (2) of the principal Act;
- (q) increases to Category A and Category C retirement pension and to [^{F12}long-term incapacity benefit] under section 45(2) of the principal Act;
- (r) increases to Category A retirement pension under section 45A(1) of the principal Act ^{M10};
- (s) increases to Category A and Category C retirement pension and [^{F13}long-term incapacity benefit] under section 46(2) of the principal Act;
- (t) increases to [^{F14}long-term incapacity benefit] under section 47(1) of the principal Act;
- (u) increases to severe disablement allowance and [^{F8}carer's allowance] payable under section 49(a) and (b) of the principal Act ^{M11};
- (v) disablement benefit under section 57(1) of the principal Act ^{M12};
- (w) reduced earnings allowance under section 59A(1) of the principal Act ^{M13};
- (x) industrial death benefit under sections 67 to 70 of the principal Act ^{M14};
- (y) additions to Category A and Category B retirement pension under sections 6 to 10 of, and Schedule 1 to, the Social Security Pensions Act 1975 ^{M15};
- (z) additional pension payable as widows benefit under sections 6 and 13 of the Social Security Pensions Act 1975;
- [^{F15}(za) universal credit under Part 1 of the Welfare Reform Act 2012;]

- ^{F16}(aa)
- ^{F16}(bb)
- (cc) graduated retirement benefit under sections 36 and 37 of the National Insurance Act 1965
^{M16}
- [^{F17}(dd) disability working allowance awarded with effect from a date falling before 5th October 1999;]
- [^{F18}(ee) widowed parent's allowance under section 39A of the Social Security Contributions and Benefits Act 1992;]
- ^{F19}(ff)

- F1** Words in reg. 3(a) omitted (29.1.2005) by virtue of Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **6(a)**
- F2** Reg. 3(aa) inserted (6.10.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **31(7)**
- F3** Reg. 3(b) substituted (5.10.1999) by The Social Security and Child Support (Tax Credits) Consequential Amendments Regulations 1999 (S.I. 1999/2566), regs. 1(2), **3(a)**
- F4** Words in reg. 3(c) omitted (29.1.2005) by virtue of Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **6(b)**
- F5** Reg. 3(d) substituted for regs. 3(d)-(f) (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **20(2)(a)** (with Pt. III)
- F6** Reg. 3(dd) inserted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **5**
- F7** Reg. 3(ja) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **10**
- F8** Words in reg. 3 substituted (1.4.2003) by Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 para. 1**Sch. 2 para. 2**
- F9** Words in reg. 3(o) omitted (6.4.2003) by S.I. 2003/937, **reg. 2(6)**
- F10** Words in reg. 3(o)(p) omitted (7.10.1996) by virtue of The Income-related Benefits Schemes and Social Fund (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1944), regs. 1(a), **9(c)** (with reg. 13)
- F11** Words in reg. 3(p) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **20(2)(c)** (with Pt. III)
- F12** Words in reg. 3(q) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **20(2)(d)** (with Pt. III)
- F13** Words in reg. 3(s) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **20(2)(e)** (with Pt. III)
- F14** Words in reg. 3(t) substituted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **20(2)(f)** (with Pt. III)
- F15** Reg. 3(za) inserted (29.4.2013) by The Social Security (Overpayments and Recovery) Regulations 2013 (S.I. 2013/384), regs. 1(3), **32**
- F16** Reg. 3(aa)(bb) omitted (13.4.1995) by virtue of The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **20(2)(g)** (with Pt. III)

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- F17** Reg. 3(dd) substituted (5.10.1999) by The Social Security and Child Support (Tax Credits) Consequential Amendments Regulations 1999 (S.I. 1999/2566), regs. 1(2), **3(b)**
- F18** Reg. 3(ee)(ff) inserted (9.4.2001) by The Social Fund (Recovery by Deductions from Benefits) Amendment Regulations 2000 (S.I. 2000/3223), regs. 1, **2**
- F19** Reg. 3(ff) omitted (6.4.2017 coming into force in accordance with art. 1-3) by virtue of The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **11**

Marginal Citations

- M3** Section 22(1) was substituted by the Social Security Act 1986, section 49 and Schedule 4, paragraph 13.
- M4** Section 25(1) was amended by the Social Security Pensions Act 1975 (c. 60), **section 65(1)** and Schedule 4, paragraph 41, and by the Child Benefit Act 1975 (c. 61), **section 21(1)** and Schedule 4, paragraph 9(a); section 25(2) was substituted by the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 9(b).
- M5** Section 26(1) was amended by the Social Security Pensions Act 1975, section 65(1) and Schedule 4, paragraph 42 and by the Social Security Act 1986, section 36(3)(a).
- M6** Section 28(1) was amended by the Social Security Pensions Act 1975, section 65(1) and Schedule 4, paragraph 43 and by the Social Security Act 1986, section 86 and Schedule 10, paragraph 84.
- M7** Section 36 was substituted by the Health and Social Security Act 1984 (c. 48), **section 11** and was amended by the Social Security Act 1985, section 21 and Schedule 4, paragraph 3.
- M8** Section 37 was amended by the Social Security Act 1986, section 37(1).
- M9** Section 39(1) was amended by the Social Security Act 1979 (c. 18), **section 5(1)** and Schedule 1, paragraph 2 and by the Social Security Act 1986, section 18(1).
- M10** Section 45A(1) was added by the Health and Social Security Act 1984, section 12 and amended by the Social Security Act 1985, section 13(2)(a).
- M11** Section 49(a) was amended by the Health and Social Security Act 1984, section 11(2) and Schedule 4, paragraph 3.
- M12** Section 57(1) was amended by the Social Security Act 1986, section 39 and Schedule 3, paragraph 3(1).
- M13** Section 59A was inserted by the Social Security Act 1986, section 39 and Schedule 3, paragraph 5(1).
- M14** Section 67 was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), **section 22(4)**; section 68 was amended by the Child Benefit Act 1975 (c. 61), **section 21(1)** and Schedule 4, paragraph 24; section 70 was substituted by the Health and Social Security Act 1984 (c. 48), **section 13** and Schedule 5, paragraph 5.
- M15** 1975 c. 60; section 6 was amended by the Social Security Act 1979, section 21(4) and Schedule 3, paragraphs 13 and 14, the Social Security Act 1985, section 29(1) and Schedule 5, paragraph 16, the Social Security Act 1986, sections 18 and 75 and Schedule 8, paragraph 7, and S.I. 1987/1978; section 8 was amended by the Social Security Act 1979, section 5(1) and Schedule 1, paragraph 4; section 10 was amended by section 18(1) of the Social Security Act 1986.
- M16** 1965 c. 51; sections 36 and 37 were repealed with savings by the Social Security (Consequential Provisions) Act 1975 (c. 18), **section 1(2)** and Schedule 1, Part I; sections 36 and 37 were continued in force as amended by S.I. 1978/393, **regulations 2** and 3 and Schedules 1 and 2.

[^{F20}Child Maintenance Bonus

4. In regulation 3 above, income support and a jobseeker's allowance do not include any sum payable by way of child maintenance bonus in accordance with section 10 of the Child Support Act 1995 and the [^{F21}Social Security (Child Maintenance Bonus)] Regulations 1996.]

- F20** Reg. 4 inserted (7.4.1997) by S.I. 1996/3195, reg. 1, reg. 16

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F21 Words in reg. 4 substituted by SI 1996/3195 reg. 16 (as amended) (6.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(b), **8(10)**

Signed by authority of the Secretary of State for Social Services.

Department of Health and Social Security

Michael Portillo
Parliamentary Under-Secretary of State,

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the benefits from which awards from the social fund may be recovered by deduction. They are made before the expiry of 12 months from the commencement of the provisions under which they are made and are accordingly exempt, by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.

Changes to legislation:

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Changes and effects yet to be applied to :

- reg.3 amended by [S.I. 2000/3223 reg.2](#)
- reg.3(a) amended by [S.I. 1996/1944 reg.9\(a\)](#)
- reg.3(c) substituted by [S.I. 1996/1944 reg.9\(b\)](#)
- reg. 4 inserted by [S.I. 1996/3195 reg. 16\(4\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg.3\(o\)\(p\)](#) revoked by [S.I. 1996/1944 reg.9\(c\)](#)