

1990 No. 580

SOCIAL SECURITY

The Social Fund (Miscellaneous Amendments)  
Regulations 1990

<i>Made</i> - - - -	<i>12th March 1990</i>
<i>Laid before Parliament</i>	<i>16th March 1990</i>
<i>Coming into force</i>	<i>9th April 1990</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 32(2)(a), (2A), 34(1)(a), 34(3) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(c), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Fund (Miscellaneous Amendments) Regulations 1990 and shall come into force on 9th April 1990.

(2) In these Regulations, unless the context otherwise requires—

“the Application for Review Regulations” means the Social Fund (Application for Review) Regulations 1988(d);

“the Cold Weather Payments Regulations” means the Social Fund Cold Weather Payments (General) Regulations 1988(e);

“the Maternity and Funeral Expenses Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(f).

**Amendment of the Application for Review Regulations**

2. In regulation 2 of the Application for Review Regulations (manner of making application for review or further review and time limits) for paragraph (6) there shall be substituted the following paragraph—

“(6) Where an application is to be made on behalf of a person to whom the determination relates, that person shall signify in writing his consent to the application being made on his behalf unless the person making the application is a

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- (a) 1986 c.50; section 32(2)(a) was amended by section 1 of the Social Fund (Maternity and Funeral Expenses) Act 1987 (c.7), section 32(2A) was added by section 11 of and paragraph 2 of Schedule 3 to the Social Security Act 1988 (c.7). Section 84(1) is cited because of the meaning assigned to the word “prescribed”.
- (b) 1975 c.14; section 166(3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.
- (c) See section 10(1) of the Social Security Act 1980 (c.30); and section 61(1)(b) of the Social Security Act 1986.
- (d) S.I. 1988/34.
- (e) S.I. 1988/1724; the relevant amending instrument is S.I. 1989/2388.
- (f) S.I. 1987/481; the relevant amending instruments are S.I. 1988/36 and 1989/379.

person appointed by the Secretary of State under regulation 33(1) of the Social Security (Claims and Payments) Regulations 1987(a) to act on behalf of the person to whom the determination relates.”.

#### **Amendment of regulation 1 of the Cold Weather Payments Regulations**

3. In regulation 1 of the Cold Weather Payments Regulations (citation, commencement and interpretation)–

(a) in paragraph (2)–

(i) after the definition of “income support” there shall be inserted the following definition–

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

(ii) after the definition of “mean daily temperature” there shall be inserted the following definition–

““partner” means one of a married or unmarried couple or a member of a polygamous relationship;”;

(iii) after the definition of “station” there shall be inserted the following definition–

““unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife.”;

(b) after paragraph (2) there shall be inserted the following paragraph–

“(2A) For the purposes of these Regulations, a person shall be treated as a member of a polygamous relationship where, but for the fact that the relationship includes more than two persons, he would be one of a married or unmarried couple.”.

#### **Amendment of regulation 4 of the Cold Weather Payments Regulations**

4. For regulation 4(1) of the Cold Weather Payments Regulations (effect and calculation of capital) there shall be substituted the following paragraph–

“4.—(1) Where–

(a) the claimant or his partner is aged 60 or over and the claimant has capital which is in excess of £1,000; or

(b) the claimant is or, if he has a partner, both he and his partner are, aged under 60 and the claimant has capital which is in excess of £500,

a payment in respect of a period of cold weather which, but for this regulation, would be payable, shall be payable only if, and to the extent that, the amount of the payment is more than the excess.”.

#### **Amendment of regulation 3 of the Maternity and Funeral Expenses Regulations**

5. In regulation 3(1) (interpretation), in the definition of “child” there shall be added at the end the words “or a young person within the meaning of regulation 14 of the Income Support (General) Regulations 1987(b)”.

#### **Amendment of regulation 5 of the Maternity and Funeral Expenses Regulations**

6. In regulation 5 of the Maternity and Funeral Expenses Regulations (entitlement), for paragraph (2)(c) there shall be substituted the following paragraph–

“(2) Subject to Part IV of these Regulations, the amount of a maternity payment shall be–

(a) where the claim is made on or after 9th April 1990 and before the confinement, £100 in respect of each expected child, but if the claim was made on an earlier date but after 11th April 1988, £85 in respect of each expected child;

(b) where the claim is made after the confinement, if that confinement has

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(a) S.I. 1987/1968.

(b) S.I. 1987/1967; the relevant amending instruments are S.I. 1988/1445 and 1990/547.

(c) See S.I. 1988/36, regulation 3(2).

ended on or after 9th April 1990, £100 in respect of each child, including any child who is stillborn, but if the confinement has ended before that date but after 11th April 1988, £85 in respect of each child, including any child who is stillborn;

- (c) where the claim is made after a child has been adopted and the adoption has taken place on or after 9th April 1990, £100 in respect of that child, but if the adoption has taken place before that date but after 11th April 1988, £85 in respect of that child.”.

#### **Amendment of regulation 9 of the Maternity and Funeral Expenses Regulations**

7. In regulation 9 of the Maternity and Funeral Expenses Regulations (effect of capital), for paragraph (1) there shall be substituted the following paragraph—

“(1) Where—

(a) a claimant or a claimant’s partner is aged 60 or over and the claimant has capital which is in excess of £1,000; or

(b) the claimant is or, if he has a partner, both he and his partner are, aged under 60 and the claimant has capital which is in excess of £500,

a maternity payment or funeral payment which, but for this regulation, would be payable shall be payable only if, and to the extent that, the amount of the payment is more than the excess.”.

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

*Nicholas Scott*

Minister of State,

Department of Social Security

12th March 1990

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations—

- (a) amend the Social Fund (Application for Review) Regulations 1988 by not requiring a person’s consent in writing to an application where it is made on his behalf by a person appointed by the Secretary of State (regulation 2);
- (b) amend the Social Fund Cold Weather Payments (General) Regulations 1988 by extending the £1,000 capital limit to those partners of a claimant who are aged 60 or over (regulation 4);
- (c) amend the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 by revising the definition of child to include young persons (regulation 5), by increasing the amount payable for maternity expenses from £85 to £100 (regulation 6) and introducing a capital limit of £1,000 for those aged 60 or over in claims for funeral and maternity expenses (regulation 7).