



Social Security Administration Act 1992

1992 CHAPTER 5

PART II

ADJUDICATION

Social fund officers and inspectors and the social fund Commissioner

64 Social fund officers

- (1) The Secretary of State shall appoint officers, to be known as “social fund officers”, for the purpose of performing functions in relation to payments out of the social fund such as are mentioned in section 138(1)(b) of the Contributions and Benefits Act.
- (2) 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.
- (3) The Secretary of State may nominate for an area a social fund officer who shall issue general guidance to the other social fund officers in the area about such matters relating to the social fund as the Secretary of State may specify.

65 The social fund Commissioner and inspectors

- (1) There shall continue to 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.
- (3) The Commissioner—
 - (a) shall appoint such social fund inspectors; and
 - (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.

Status: This is the original version (as it was originally enacted).

- (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.

66 Reviews

- (1) A social fund officer—
 - (a) shall review a determination made under the Contributions and Benefits Act by himself or some other social fund officer, if an application for a review is made within such time and in such form and manner as may be prescribed by or on behalf of the person who applied for the 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 Part VIII of the Contributions and Benefits Act.
- (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.
- (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 140(1)(a) to (e) of the Contributions and Benefits Act.
- (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 140(2) of the

Contributions and Benefits Act 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.
- (9) In reviewing a question under this section a social fund officer shall take account (subject to any directions or guidance issued by the Secretary of State under this section) of any guidance issued by the social fund officer nominated for his area under section 64(3) above.
- (10) A social fund inspector reviewing a determination shall be under the same duties in relation to such guidance as the social fund officer or inspector who made the determination.