
STATUTORY INSTRUMENTS

1990 No. 1788

SOCIAL SECURITY

The Social Fund (Miscellaneous Provisions) Regulations 1990

<i>Made</i>	- - - -	<i>30th August 1990</i>
<i>Laid before Parliament</i>		<i>3rd September 1990</i>
<i>Coming into force</i>	- -	<i>24th September 1990</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 33(13) and 84(1) of the Social Security Act 1986⁽¹⁾ and section 166(1) to (3A) of the Social Security Act 1975⁽²⁾ and of all other powers enabling him in that behalf, by this instrument which is made before the end of the period of 6 months beginning with the coming into force of the enactment under which it is made, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund (Miscellaneous Provisions) Regulations 1990 and shall come into force on 24th September 1990.

(2) In these Regulations, “the Act” means the Social Security Act 1986.

Condition to be satisfied before payment of a social fund award

2.—(1) Before a payment of an award out of the social fund under section 32(2)(b) of the Act (payment to meet needs other than in prescribed circumstances) is made for a category of need which is specified in directions given by the Secretary of State to be repayable⁽³⁾, the person by or on behalf of whom the application was made shall notify the Secretary of State in writing of his agreement to the terms and conditions of which he has been notified by the Secretary of State in accordance with subsection (4A) of section 33 of the Act⁽⁴⁾ within 14 days of the date on which that notification was issued to that person.

(2) The time specified in paragraph (1) above may be extended by the Secretary of State for special reasons, even though the time so specified may already have expired.

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- (1) 1986 c. 50; section 33 was amended by the Social Security Act 1988 (c. 7), Schedule 3; section 33(13) was added by the Social Security Act 1990 (c. 27), section 10(5); section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.
- (2) 1975 c. 14; subsection (3A) was inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.
- (3) Directions given by the Secretary of State under sections 32(2)(b), 33(10) and (10A), 34(8)(a) and (b) of the Social Security Act 1986.
- (4) Subsection (4A) of section 33 was inserted by the Social Security Act 1988 (c. 7), Schedule 3, paragraph 11.

Circumstances in which an award is to be extinguished

3. An award of a payment out of the social fund under section 32(2)(b) of the Act shall be extinguished where—

- (a) the person by or on behalf of whom the application was made fails to satisfy the condition in regulation 2(1) above, within the time there specified or as extended under regulation 2(2), as the case may be; or
- (b) the payment has been made to the person by or on behalf of whom the application was made or to a third party but the person or the third party, as the case may be, has failed to present for payment the instrument of payment within 12 months of its issue.

Amendment of the Social Fund (Applications) Regulations 1988

4. After regulation 2 of the Social Fund (Applications) Regulations 1988⁽⁵⁾ there shall be added the following regulation—

“Time at which an application is to be treated as made

3. The time at which an application to which regulation 2 above applies is to be treated as made shall be—

- (a) in the case of an application which meets the requirements of regulation 2(1), the date on which it is received in an appropriate office;
- (b) in the case of an application which does not meet the requirements of regulation 2(1), but where the person complies with the requirements of the Secretary of State pursuant to regulation 2(5), the date on which the application was received in an appropriate office in the first instance.”.

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

30th August 1990

Nicholas Scott
Minister of State,
Department of Social Security

(5) S.I.1988/524.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations—

- (a) specify a condition to be satisfied before payments of certain awards out of the social fund are made (regulation 2);
- (b) specify the circumstances in which an award of a payment out of the social fund is to be extinguished (regulation 3); and
- (c) amend the Social Fund (Applications) Regulations 1988 by specifying the time at which an application is to be treated as made (regulation 4).

These Regulations are made under provisions of the Social Security Act 1986 which have not yet been in force for 6 months; they are, accordingly, exempt by section 61(5)(a) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.