



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART VIII

THE SOCIAL FUND

138 Payments out of the social fund

- (1) Payments may be made out of the social fund, in accordance with this Part of this Act—
 - (a) of prescribed amounts, whether in respect of prescribed items or otherwise, to meet, in prescribed circumstances, maternity expenses and funeral expenses; and
 - (b) to meet other needs in accordance with directions given or guidance issued by the Secretary of State.
- (2) Payments may also be made out of that fund, in accordance with this Part of this Act, of a prescribed amount or a number of prescribed amounts to prescribed descriptions of persons, in prescribed circumstances to meet expenses for heating which appear to the Secretary of State to have been or to be likely to be incurred in cold weather.
- (3) The power to make a payment out of the social fund such as is mentioned in subsection (1)(b) above may be exercised by making a payment to a third party with a view to the third party providing, or arranging for the provision of, goods or services for the applicant.
- (4) In this section “prescribed” means specified in or determined in accordance with regulations.

139 Awards by social fund officers

- (1) The questions whether a payment such as is mentioned in section 138(1)(b) above is to be awarded and how much it is to be shall be determined by a social fund officer.

Status: This is the original version (as it was originally enacted).

- (2) A social fund officer may determine that an award shall be payable in specified instalments at specified times.
- (3) A social fund officer may determine that an award is to be repayable.
- (4) An award that is to be repayable shall be repayable upon such terms and conditions as before the award is paid the Secretary of State notifies to the person by or on behalf of whom the application for it was made.
- (5) Payment of an award shall be made to the applicant unless the social fund officer determines otherwise.

140 Principles of determination

- (1) In determining whether to make an award to the applicant or the amount or value to be awarded a social fund officer shall have regard, subject to subsection (2) below, to all the circumstances of the case and, in particular—
 - (a) the nature, extent and urgency of the need;
 - (b) the existence of resources from which the need may be met;
 - (c) the possibility that some other person or body may wholly or partly meet it;
 - (d) where the payment is repayable, the likelihood of repayment and the time within which repayment is likely;
 - (e) any relevant allocation under section 168(1) to (4) of the Administration Act.
- (2) A social fund officer shall determine any question in accordance with any general directions issued by the Secretary of State and in determining any question shall take account of any general guidance issued by him.
- (3) Without prejudice to the generality of subsection (2) above, the Secretary of State may issue directions under that subsection for the purpose of securing that a social fund officer or group of social fund officers shall not in any specified period make awards of any specified description which in the aggregate exceed the amount, or a specified portion of the amount, allocated to that officer or group of officers under section 168(1) to (4) of the Administration Act for payments under awards of that description in that period.
- (4) Without prejudice to the generality of subsection (2) above, the power to issue general directions conferred on the Secretary of State by that subsection includes power to direct—
 - (a) that in circumstances specified in the direction a social fund officer shall not determine an application and, without prejudice to the generality of this paragraph, that a social fund officer shall not determine an application which is made before the end of a specified period after the making of an application by the same person for a payment such as is mentioned in section 138(1) (b) above to meet the same need and without there having been any relevant change of circumstances since the previous application;
 - (b) that for a category of need specified in the direction a social fund officer shall not award less than an amount specified in the direction;
 - (c) that for a category of need specified in the direction a social fund officer shall not award more than an amount so specified;
 - (d) that payments to meet a category of need specified in the direction shall in all cases or in no case be made by instalments;

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- (e) that payments to meet a category of need specified in the direction shall in all cases or in no case be repayable; and
- (f) that a payment such as is mentioned in section 138(1)(b) above shall only be awarded to a person if either—
 - (i) he is in receipt of a benefit which is specified in the direction and the circumstances are such as are so specified; or
 - (ii) in a case where the conditions specified in sub-paragraph (i) above are not satisfied, the circumstances are such as are specified in the direction,

and the power to issue general guidance conferred on him by that subsection includes power to give social fund officers guidance as to any matter to which directions under that subsection may relate.

- (5) In determining a question 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 of the Administration Act.