
STATUTORY INSTRUMENTS

1988 No. 35

SOCIAL SECURITY

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

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| <i>Made</i> | - - - - | <i>14th January 1988</i> |
| <i>Laid before Parliament</i> | | <i>18th January 1988</i> |
| <i>Coming into force</i> | - - | <i>11th April 1988</i> |

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⁽¹⁾, 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:

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⁽²⁾.

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;
- (b) family credit;
- (c) unemployment benefit under section 14(1)(a) of the principal Act;
- (d) sickness benefit under section 14(1)(b) of the principal Act;
- (e) invalidity pension under section 15(1) of the principal Act;
- (f) invalidity allowance under section 16(1) of the principal Act⁽³⁾;

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

⁽²⁾ 1975 c. 14.

⁽³⁾ Section 16(1) was amended by the Social Security Act 1985 (c. 53), section 9(1)(a).

- (g) maternity allowance under section 22(1) of the principal Act(4);
- (h) widowed mother's allowance under section 25(1) and (2) of the principal Act(5);
- (i) widow's pension under section 26(1) of the principal Act(6);
- (j) retirement pension (Categories A and B) under sections 28(1) and 29(1) of the principal Act(7);
- (k) severe disablement allowance under section 36 of the principal Act(8);
- (l) invalid care allowance under section 37 of the principal Act(9);
- (m) retirement pension (Categories C and D) under section 39(1) of the principal Act(10);
- (n) age addition under section 40(1) and (2) of the principal Act;
- (o) increases to unemployment benefit, sickness benefit, invalidity pension and Category A, B and C retirement pension under section 41(1) of the principal Act(11);
- (p) increases to unemployment benefit, sickness benefit and maternity allowance under section 44(1) and (2) of the principal Act(12);
- (q) increases to Category A and Category C retirement pension and to invalidity pension under section 45(2) of the principal Act(13);
- (r) increases to Category A retirement pension under section 45A(1) of the principal Act(14);
- (s) increases to Category A and Category C retirement pension and invalidity pension under section 46(2) of the principal Act(15);
- (t) increases to invalidity pension under section 47(1) of the principal Act(16);
- (u) increases to severe disablement allowance and invalid care allowance payable under section 49(a) and (b) of the principal Act(17);
- (v) disablement benefit under section 57(1) of the principal Act(18);
- (w) reduced earnings allowance under section 59A(1) of the principal Act(19);

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- (4) Section 22(1) was substituted by the Social Security Act 1986, section 49 and Schedule 4, paragraph 13.
 - (5) 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).
 - (6) 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).
 - (7) 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.
 - (8) 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.
 - (9) Section 37 was amended by the Social Security Act 1986, section 37(1).
 - (10) 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).
 - (11) Section 41(1) was amended by the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 13.
 - (12) Section 44(1) was amended by the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 16(a) and, by the Social Security Act 1980 (c. 30), section 2, Schedule 1, paragraph 5(2); section 44(2) was amended by the Social Security Act 1980, section 2 and Schedule 1, paragraph 5(2), and the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 16(a).
 - (13) Section 45(2) was amended by the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 17.
 - (14) 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).
 - (15) Section 46(2) was amended by the Social Security Act 1980, section 2 and Schedule 1, paragraph 4(b) and the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 18.
 - (16) Section 47(1) was amended by the Child Benefit Act 1975, section 21(1) and Schedule 4, paragraph 19; the Social Security Act 1980, sections 2, 8 and 21, Schedule 1, paragraphs 2 and 5(2), and Schedule 5, Part II; and the Social Security Act 1985, section 13(4)(a).
 - (17) Section 49(a) was amended by the Health and Social Security Act 1984, section 11(2) and Schedule 4, paragraph 3.
 - (18) Section 57(1) was amended by the Social Security Act 1986, section 39 and Schedule 3, paragraph 3(1).
 - (19) Section 59A was inserted by the Social Security Act 1986, section 39 and Schedule 3, paragraph 5(1).

- (x) industrial death benefit under sections 67 to 70 of the principal Act**(20)**;
- (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**(21)**;
- (z) additional pension payable as widows benefit under sections 6 and 13 of the Social Security Pensions Act 1975;
- (aa) additional pension payable as invalidity pension under sections 6 and 14 of the Social Security Pensions Act 1975;
- (bb) invalidity pension under sections 15 and 16 of the Social Security Pensions Act 1975**(22)**;
- (cc) graduated retirement benefit under sections 36 and 37 of the National Insurance Act 1965**(23)**.

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

14th January 1988

Michael Portillo
Parliamentary Under-Secretary of State,
Department of Health and Social Security

(20) 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.

(21) 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.

(22) Sections 15 and 16 were amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 4(4).

(23) 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.

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

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.