

## SCHEDULES

### SCHEDULE 6

#### TRANSITORY PROVISIONS

##### *Reviews of social fund determinations*

- 7 In relation to any time before the commencement of section 38 of this Act, section 66 of the Administration Act (reviews) shall have effect as if—
- (a) after paragraph (a) of subsection (1) there were inserted the following paragraph—
    - “(aa) may review such a determination on the ground that the person who applied for the payment to which the determination relates misrepresented, or failed to disclose, any material fact; and”;
  - (b) after subsection (5) there were inserted the following subsection—
    - “(5A) In making a determination on a review a social fund officer or a social fund inspector need not consider—
      - (a) in the case of a determination on a review under subsection (1)(a) above, any issue that is not raised by the application;
      - (b) in the case of a determination on a review under subsection (1)(aa) above, any issue that is not raised by the material fact;
      - (c) in the case of a determination on a review under subsection (1)(b) above, any issue that did not cause him to carry out the review.”;
  - (c) for subsection (6) there were substituted the following subsection—
    - “(6) In determining a question on a review under subsection (1)(a) or (b) above a social fund officer or social fund inspector shall, subject to subsection (7) below, have regard to whichever of the following are applicable, namely—
      - (a) all the circumstances of the case and, in particular, the criteria specified in paragraphs (a) to (e) of subsection (1) of section 140 of the Contributions and Benefits Act;
      - (b) the criteria mentioned in paragraphs (a) and (b) of subsection (1A) of that section; and
      - (c) the criterion specified in directions issued by the Secretary of State under that subsection and the criteria mentioned in paragraph (b) of that subsection.”;
  - (d) in subsection (7) of that section, after the word “review” there were inserted the words “under subsection (1)(a) or (b) above”;
  - (e) after that subsection there were inserted the following subsections—

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*Status: This is the original version (as it was originally enacted).*

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“(7A) In making a determination on a review under subsection (1)(aa) above a social fund officer or a social fund inspector shall—

- (a) act in accordance with any general directions issued by the Secretary of State; and
- (b) take account of any general guidance issued by the Secretary of State.

(7B) Any reference in subsection (5A), (6), (7) or (7A) above to a determination on a review under a particular provision of subsection (1) above shall be construed, in relation to a social fund inspector, as a reference to a determination on a further review of a determination which has been reviewed under that provision.”;

- (f) in subsection (9), for the words “this section”, in the first place where they occur, there were substituted the words “subsection (1)(a) or (b) above”; and
- (g) in subsection (10), after the word “determination”, in the first place where it occurs, there were inserted the words “which has been reviewed under subsection (1)(a) or (b) above”.