

**2002 No. 2323**

**SOCIAL SECURITY**

**The Social Fund (Miscellaneous Amendments)  
Regulations 2002**

*Made - - - - - 8th September 2002*

*Laid before Parliament 13th September 2002*

*Coming into force - - 1st October 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 138(1)(a) and (4) and 175(3) of the Social Security Contributions and Benefits Act 1992(a) and sections 12(1) and 2(a) and (b), 189(4) and (6) and 191 of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Fund (Miscellaneous Amendments) Regulations 2002 and shall come into force on 1st October 2002.

**Amendment of the Social Fund (Applications) Regulations 1988**

2.—(1) The Social Fund (Applications) Regulations 1988(d) shall be amended in accordance with the following paragraphs of this regulation.

(2) At the beginning of regulation 2(1) (form and manner in which application is to be made), there shall be inserted the words “Except in the case of an application referred to in regulation 2A,”.

(3) After regulation 2, there shall be inserted the following regulation—

**“Form and manner in which an application for a crisis loan is to be made**

2A.—(1) An application for a crisis loan under section 138(1)(b) of the Social Security Contributions and Benefits Act 1992 need not be made in writing unless the Secretary of State directs in any particular case that the application shall be made in writing.

(2) Where an application for a crisis loan is to be made in writing—

(a) it shall be made, either on a form approved by the Secretary of State and completed in accordance with the instructions on that form or in such other manner, being in writing, as the Secretary of State may accept as sufficient in the circumstances of any particular case; and

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(a) 1992 c. 4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1992 c. 5; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.

(c) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(d) S.I. 1988/524 as amended by S.I. 1988/1843 and 1990/1788.

(b) regulation 2(2) to (4) above shall apply to that application in the same way as those paragraphs apply to applications under regulation 2(1).

(3) Where it appears to the Secretary of State that an application which was made on a form is incomplete in that the form has not been completed in accordance with the instructions on that form, the Secretary of State may return the form to the person making the application for proper completion by him.

(4) Where insufficient particulars have been provided with the application for a crisis loan (whether made in writing or otherwise) to enable any material question to be determined, the Secretary of State may request the person making the application to provide such further particulars as may reasonably be required to complete the application.

(5) Where an application for a crisis loan has not been made in writing and it is subsequently determined that a loan may be awarded in connection with that application, the person making the application shall—

- (a) provide satisfactory evidence of his identity;
- (b) confirm in writing that there have been no changes to the particulars supporting the application; and
- (c) confirm in writing that those particulars are correct, before the loan is paid to him.”.

(4) In regulation 3 (time at which an application is to be treated as made)—

- (a) after the words “regulation 2”, there shall be inserted the words “or 2A”;
- (b) in paragraph (a), after the words “regulation 2(1)” there shall be inserted the words “or in the case of an application for a crisis loan to which regulation 2A(3) or (4) does not apply”;
- (c) in paragraph (b)—
  - (i) after the words “regulation 2(1)” there shall be inserted the words “or in the case of an application to which regulation 2A(3) or (4) applies”;
  - (ii) after the words “regulation 2(5)” there shall be inserted the words “or 2A(3) or (4)”.

#### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 1987**

3. In regulation 7(1)(a) of the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(a) (entitlement), for the words “at the date of the claim” there shall be substituted the words “in respect of the date of the claim”.

Signed by authority of the Secretary of State for Work and Pensions

*Malcolm Wicks*  
Parliamentary Under Secretary of State,  
Department for Work and Pensions

8th September 2002

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(a) S.I. 1987/481; regulation 7 was substituted by S.I. 1997/792 and amended by S.I. 1997/2538, 1999/2566 and 3266 and 2001/3023.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Social Fund (Applications) Regulations 1988 (S.I. 1988/524) by allowing applications for crisis loans to be made otherwise than in writing and making consequential amendments relating to when such applications are to be treated as made (regulation 2).

They also amend the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 (S.I. 1987/481) so that persons may only be entitled to a funeral payment under those Regulations where they are entitled to a qualifying benefit in respect of the date of claim for a funeral payment (regulation 3).

These Regulations do not impose any charge on business.

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