

1988 No. 35

SOCIAL SECURITY

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

Made - - - - 14th January 1988

Laid before Parliament 18th January 1988

Coming into force 11th April 1988

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(a), 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(b).

**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 ▶<sup>1</sup>, other than a back to work bonus payable by way of income support or jobseeker’s allowance in pursuance of section 26 of the Jobseekers Act 1995(c);◀
- ▶<sup>2</sup>(aa) state pension credit under the State Pension Credit Act 2002(d);◀
- ▶<sup>3</sup>(b) family credit awarded with effect from a date falling before 5th October 1999;◀
- ▶<sup>1</sup>(c) a jobseeker’s allowance other than a back to work bonus payable by way of income support or jobseeker’s allowance in pursuance of section 26 of the Jobseekers Act 1995;◀
- ▶<sup>4</sup>(d) incapacity benefit under section 86A of the Social Security Contributions and Benefits Act 1992;◀
- ▶<sup>5</sup>(dd) an employment and support allowance under section 1 of the Welfare Reform Act 2007;◀

(There is no longer a para. (e) or para. (f) in this regulation.)

- (g) maternity allowance under section 22(1) of the principal Act(e);

<sup>1</sup>Words added to reg. 3(a) & reg. 3(c) substituted by reg. 9 of S.I. 1996/1944 as from 7.10.96.

<sup>2</sup>Para. (aa) inserted in reg. 3 by reg. 31(7) of S.I. 2002/3019 as from 6.10.03.

<sup>3</sup>Para. (b) substituted by reg. 3 of S.I. 1999/2566 as from 5.10.99.

<sup>4</sup>Para. (d) substituted for paras. (d), (e) & (f) in reg. 3 by reg. 20(2)(a) of S.I. 1995/829 as from 13.4.95.

<sup>5</sup>Para. (dd) inserted by reg. 5 of S.I. 2008/1554 as from 27.10.08.

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

(b) 1975 c. 14.

(c) 1995 c. 18.

(d) 2002 c. 16.

(e) S. 22(1) was substituted by the Social Security Act 1986, s. 49 and Sch. 4, para. 13.

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- (h) widowed mother's allowance under section 25(1) and (2) of the principal Act(a);
- (i) widow's pension under section 26(1) of the principal Act(b);
- (j) retirement pension (Categories A and B) under sections 28(1) and 29(1) of the principal Act(c);
- (k) severe disablement allowance under section 36 of the principal Act(d);
- (l) ►<sup>1</sup>carer's allowance◄ under section 37 of the principal Act(e);
- (m) retirement pension (Categories C and D) under section 39(1) of the principal Act(f);
- (n) age addition under section 40(1) and (2) of the principal Act;
- (o) ►<sup>2</sup>◄
- (p) increases to ►<sup>3</sup>◄, ►<sup>4</sup>short-term incapacity benefit◄ and maternity allowance under section 44(1) and (2) of the principal Act(g);
- (q) increases to Category A and Category C retirement pension or to ►<sup>4</sup>long-term incapacity benefit◄ under section 45(2) of the principal Act(h);
- (r) increases to Category A retirement pension under section 45A(1) of the principal Act(i);
- (s) increases to Category A and Category C retirement pension and ►<sup>4</sup>long-term incapacity benefit◄ under section 46(2) of the principal Act(j);
- (t) increases to ►<sup>4</sup>long-term incapacity benefit◄ under section 47(1) of the principal Act(k);
- (u) increases to severe disablement allowance and ►<sup>1</sup>carer's allowance◄ payable under section 49(a) and (b) of the principal Act(l);
- (v) disablement benefit under section 57(1) of the principal Act(m);
- (w) reduced earnings allowance under section 59A(1) of the principal Act(n);
- (x) industrial death benefit under sections 67 to 70 of the principal Act(o);

<sup>1</sup>Words substituted in reg. 3(l) & (u) by Sch. 2 of S.I. 2002/2497 as from 1.4.03.

<sup>2</sup>Reg. 3(o) omitted by reg. 2(6) of S.I. 2003/937 as from 6.4.03. See S.I. 2003/938 at page 3.731 for details of savings provisions.

<sup>3</sup>Words deleted from reg. 3(p) by reg. 9(c) of S.I. 1996/1944 as from 7.10.96.

<sup>4</sup>Words substituted in reg. 3(p), (q), (s) & (t) by reg. 20(2) of S.I. 1995/829 as from 13.4.95.

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- (a) S. 25(1) was amended by the Social Security Pensions Act 1975 (c. 60), s. 65(1) and Sch. 4, para. 41, and by the Child Benefit Act 1975 (c. 61), s. 21(1) and Sch. 4, para. 9(a); s. 25(2) was substituted by the Child Benefit Act 1975, s. 21(1) and Sch. 4, para. 9(b).
  - (b) S. 26(1) was amended by the Social Security Pensions Act 1975, s. 65(1) and Sch. 4, para. 42 and by the Social Security Act 1986, s. 36(3)(a).
  - (c) S. 28(1) was amended by the Social Security Pensions Act 1975, s. 65(1) and Sch. 4, para. 43 and by the Social Security Act 1986, s. 86 and Sch. 10, para. 84.
  - (d) S. 36 was substituted by the Health and Social Security Act 1984 (c. 48), s. 11 and was amended by the Social Security Act 1985, s. 21 and Sch. 4, para. 3.
  - (e) S. 37 was amended by the Social Security Act 1986, s. 37(1).
  - (f) S. 39(1) was amended by the Social Security Act 1979 (c. 18), s. 5(1) and Sch. 1, para. 2 and by the Social Security Act 1986, s. 18(1).
  - (g) S. 44(1) was amended by the Child Benefit Act 1975, s. 21(1) and Sch. 4, para. 16(a) and, by the Social Security Act 1980 (c. 30), s. 2, Sch. 1, para. 5(2); s. 44(2) was amended by the Social Security Act 1980, s. 2 and Sch. 1, para. 5(2), and the Child Benefit Act 1975, s. 21(1) and Sch. 4, para. 16(a).
  - (h) S. 45(2) was amended by the Child Benefit Act 1975, s. 21(1) and Sch. 4, paragraph 17.
  - (i) S. 45A(1) was added by the Health and Social Security Act 1984, s. 12 and amended by the Social Security Act 1985, s. 13(2)(a).
  - (j) S. 46(2) was amended by the Social Security Act 1980, s. 2 and Sch. 1, para. 4(b) and the Child Benefit Act 1975, s. 21(1) and Sch. 4, para. 18.
  - (k) S. 47(1) was amended by the Child Benefit Act 1975, s. 21(1) and Sch. 4, para. 19; the Social Security Act 1980, s. 2, 8 and 21, Sch. 1, para. 2 and 5(2), and Sch. 5, Part II; and the Social Security Act 1985, s. 13(4)(a).
  - (l) S. 49(a) was amended by the Health and Social Security Act 1984, s. 11(2) and Sch. 4, para. 3.
  - (m) Section 57(1) was amended by the Social Security Act 1986, section 39 and Schedule 3, paragraph 3(1).
  - (n) Section 59A was inserted by the Social Security Act 1986, section 39 and Schedule 3, paragraph 5(1).
  - (o) 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.

- (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(a);
- (z) additional pension payable as widows benefit under sections 6 and 13 of the Social Security Pensions Act 1975;
- ▶<sup>1</sup>(za) universal credit under Part 1 of the Welfare Reform Act 2012; ◀
  - (aa) ▶<sup>2</sup>◀;
  - (bb) ▶<sup>2</sup>◀;
  - (cc) graduated retirement benefit under sections 36 and 37 of the National Insurance Act 1965(b);
- ▶<sup>3</sup>(dd) disability working allowance awarded with effect from a date falling before 5th October 1999. ◀
- ▶<sup>4</sup>(ee) widowed parent's allowance under section 39A of the Social Security Contributions and Benefits Act 1992(c)
- (ff) bereavement allowance under section 39B of the Social Security Contributions and Benefits Act 1992(c). ◀

<sup>1</sup>Reg. 3(za) inserted by reg. 32 of S.I. 2013/384 as from 29.4.13.

<sup>2</sup>Reg. 3(aa) and (bb) deleted by reg. 20(2)(g) of S.I. 1995/829 as from 13.4.95.

<sup>3</sup>Sub-para. (dd) substituted by reg. 3 of S.I. 1999/2566 as from 5.10.99.

<sup>4</sup>Paras. (ee) & (ff) inserted in reg. 3 by reg. 2 of S.I. 2000/3223 as from 9.4.01.

▶<sup>5</sup>**Child Maintenance Bonus**

<sup>5</sup>Reg. 4 inserted by reg. 4 of S.I. 1996/3195 as from 7.4.97.

**4.** In regulation 3 above, income support and a jobseeker's allowance do not include any sum payable by way of child maintenance bonus in accordance with section 10 of the Child Support Act 1995 and the ▶<sup>6</sup>Social Security (Child Maintenance Bonus)◀ Regulations 1996. ◀

<sup>6</sup>Words in reg. 4 substituted by reg. 8(10) of S.I. 1997/454 as from 6.4.97.

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

*Michael Portillo*

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

14th January 1988

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- (a) 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.
  - (b) 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.
  - (c) 1992 c. 4; s. 39A and 39B were inserted by the Welfare Reform and Pensions Act 1999, s. 55(2).

**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.