STATUTORY INSTRUMENTS

2009 No. 3033

SOCIAL SECURITY

The Social Fund (Applications and Miscellaneous Provisions) Amendment Regulations 2009

Made - - - -	*16th November 2009*
Laid before Parliament	*20th November 2009*
Coming into force - -	*14th December 2009*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon her by sections 12, 189(1), (4), (5) and (6) and 191 of the Social Security Administration Act 1992(**a**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**b**).

Citation and commencement

1. These Regulations may be cited as the Social Fund (Applications and Miscellaneous Provisions) Amendment Regulations 2009 and shall come into force on 14th December 2009.

Amendment of the Social Fund (Applications and Miscellaneous Provisions) Regulations 2008

2.—(1) The Social Fund (Applications and Miscellaneous Provisions) Regulations 2008(**c**) are amended as follows.

(2) For regulation 2 (form and manner in which an application is to be made), substitute—

> **"Form and manner in which an application for a community care grant or budgeting loan is to be made**
>
> **2.** An application for a payment by way of community care grant or budgeting loan under section 138(1)(b) of the Act must be made in writing—
>
> (a) on a form approved by the Secretary of State and completed in accordance with the instructions on that form; or

(**a**) 1992 c.5. Section 189(1) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 57(2) and by the Tax Credits Act 2002 (c. 21), Schedule 6. Section 189(1), (4), (5) and (6) was amended by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 109. Section 191 is an interpretation provision and is cited because of the meaning given to the word "prescribe". It has been amended by the Welfare Reform Act 2007, section 40 and Schedule 5, paragraphs 2 and 10.

(**b**) *See* sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992 (c.5). Amendments not relevant to these Regulations have been made to section 170.

(**c**) S.I. 2008/2265 as amended by S.I. 2009/2655.

(b) in such other manner as the Secretary of State may accept as sufficient in any particular case.

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

2A.—(1) An application for a payment by way of crisis loan under section 138(1)(b) of the Act need not be made in writing unless the Secretary of State so requires in any particular case.

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

(a) on a form approved by the Secretary of State and completed in accordance with the instructions on that form, or

(b) in such other manner as the Secretary of State may accept as sufficient in any particular case;

and the provisions of regulation 3 will then apply to that application as they apply to an application for a community care grant or budgeting loan.

(3) The Secretary of State may require a person who wishes to apply for a crisis loan in respect of living expenses to attend for interview at an office of the Department for Work and Pensions and to make the application to the interviewing officer.

(4) Where someone ("B") is making the application on behalf of another person ("A") the Secretary of State may require that B attend the interview instead of, or together with, A in order to make the application.

(5) The Secretary of State must give the applicant reasonable notice of the date, time and place at which such an interview is to take place."

(3) In regulation 5(2), for "not made in writing" substitute "made by telephone".

(4) In regulation 6(2)(a) and (4)(a), for "regulation 2(1) or (3)" substitute "regulation 2 or 2A(2)".

(5) In regulation 7—

(a) in paragraph (2), omit the words "Where an application for a crisis loan is not made in writing,"; and

(b) in paragraph (4), for "not made in writing" substitute "made by telephone".

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

Jonathan Shaw
Parliamentary Under-Secretary of State,
Department for Work and Pensions

16th November 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund (Applications and Miscellaneous Provisions) Regulations 2008 ("the 2008 Regulations"). They provide that the Secretary of State may require an applicant for a crisis loan for living expenses to attend an interview at an office of the Department for Work and Pensions in order to make the application there (regulation 2A(3) to (5) of the 2008 Regulations as inserted by regulation 2(2)). The Regulations make other consequential changes to the 2008 Regulations.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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