STATUTORY INSTRUMENTS

2015 No. 1411

SOCIAL SECURITY

The Social Fund (Budgeting Loans) (Applications and Miscellaneous Provisions) Regulations 2015

Made - - - -	*23rd June 2015*
Laid before Parliament	*30th June 2015*
Coming into force - -	*22nd July 2015*

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

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund (Budgeting Loans) (Applications and Miscellaneous Provisions) Regulations 2015 and shall come into force on 22nd July 2015.

(2) In these Regulations—

"the Act" means the Social Security Contributions and Benefits Act 1992(**3**);

"applicant" means the person by or on behalf of whom the application for a budgeting loan is made; and

(**1**) 1992 c. 5. Section 12 was repealed by the Welfare Reform Act 2012 (c. 5), Schedule 14, Part 8, subject to the savings provisions set out in article 3 of the Welfare Reform Act 2012 (Commencement No.6 and Savings Provisions) Order 2012 (S.I. 2012/3090) ("the commencement order"). Article 3(1)(a) and (2)(b) provides that section 12 continues to have effect in so far as it relates to budgeting loans. 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 defines "prescribe" as meaning "prescribe by regulations" and provides that "prescribed" must be construed accordingly.

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

(**3**) 1992 c. 4. Relevant amendments to that Act for the purposes of these Regulations are as follows. Section 138(1) was substituted by section 70 of the Social Security Act 1998 and amended by section 71 of the Welfare Reform Act 2012. Section 139(4) was amended by paragraph 72(4) of Schedule 7 to the Social Security Act 1998. Sections 138(1)(b), (3) and (5) and 139 were repealed by the Welfare Reform Act 2012, section 70(1) and Schedule 14, Part 8, subject to the savings provisions set out in article 3 of the commencement order. Article 3(1)(a) and (2)(a) provides that sections 138(1)(b), (3) and (5) and 139 continue to have effect in so far as they relate to budgeting loans.

"budgeting loan" means a payment by way of budgeting loan under section 138(1)(b) of the Act.

Form and manner in which an application is to be made

2. An application for a budgeting loan 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

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

Written applications

3.—(1) Application forms for budgeting loans approved by the Secretary of State for the purposes of regulation 2(a) are to be supplied, without charge, by persons appointed or authorised for that purpose by the Secretary of State.

(2) Every application must be delivered or sent to an office of the Department for Work and Pensions.

(3) Where the applicant has not provided sufficient particulars to enable any material question to be determined, the Secretary of State may request the applicant to provide (in writing, by attendance at an office of the Department for Work and Pensions or by other reasonable means) such further particulars as may reasonably be required to determine the application.

(4) Where an approved application form has been submitted and it appears to the Secretary of State that the application form has not been completed in accordance with the instructions given on the form, the Secretary of State may return the form to the applicant and require proper completion.

Consent where application is made on behalf of someone else

4.—(1) Where an application for a budgeting loan is to be made on behalf of one person ("A") by another person ("B"), B must not make such an application unless—

(a) A has given consent to the application being made on A's behalf; or

(b) B is a person appointed by the Secretary of State under regulation 33(1) of the Social Security (Claims and Payments) Regulations 1987(**4**) to act on A's behalf.

(2) Consent must be in writing.

Time at which an application is to be treated as made

5. An application for a budgeting loan is to be treated as made on the date on which the application is first received in an office of the Department for Work and Pensions.

Conditions to be satisfied before payment of a budgeting loan

6.—(1) Before an award of a budgeting loan is paid the applicant must provide satisfactory evidence of the applicant's identity.

(2) Before an award of a budgeting loan is paid the applicant must inform the Secretary of State that the applicant agrees to the terms and conditions notified to the applicant in accordance with section 139(4) of the Act.

(**4**) S.I. 1987/1968; relevant amending instruments are S.I. 2007/2470, S.I. 2005/337.