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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2016 No.**

**The Discretionary Support Regulations (Northern Ireland) 2016**

**PART 2**

**Claims**

**Making a claim for a discretionary support award**

**4.**—(1) Claims for a discretionary support award may be made in such manner as the Department may accept as sufficient in any particular case.

(2) Claims may be made in writing on the prescribed form and shall be completed in accordance with the instructions on the form.

(3) Every claim shall be communicated, delivered or sent to an appropriate office.

(4) The Department may require a person who wishes to make a claim for discretionary support to attend for interview at an office of the Department and to make the claim to a discretionary support officer.

(5) The Department shall give the claimant reasonable notice of the date, time and place at which such an interview is to take place.

**Date of claim**

**5.** In the case of a claim—

- (a) made by telephone, the date of the claim is the date of the telephone call to the Department;
- (b) made in writing, the date of the claim is the date the claim is received in an appropriate office;
- (c) made in person, the date of the claim is the date of the meeting with the discretionary support officer.

**Evidence and information in connection with a claim**

**6.** The Department shall require the claimant to supply such further information or evidence in connection with the claim, or any questions arising out of it, as it considers appropriate.

**Person unable to act**

**7.** If a claim for discretionary support is made by or on behalf of a person (“P”), who is unable for the time being to act, the claim shall be made by—

- (a) a person who has been appointed to act on P’s behalf by the Department under regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(1)</sup>; or

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(1) [S.R. 1987 No. 465](#)

- (b) a person who has been appointed, with a general power or a power to claim or receive benefit, by P under the Powers of Attorney Act (Northern Ireland) 1971<sup>(2)</sup>, the Enduring Powers of Attorney (Northern Ireland) Order 1987<sup>(3)</sup> or otherwise.

#### **Decision to award a loan or a grant**

8.—(1) Where a claimant applies for a discretionary support award under regulation 4 a discretionary support officer may determine the claim as a claim for a loan or a grant.

(2) In making a decision in relation to a discretionary support award a discretionary support officer shall take into account any guidance issued by the Department.

#### **Withdrawal of a claim**

9. A person who has made a claim may withdraw it at any time before a determination has been made on it, in such manner as the Department may accept as sufficient in any particular case, and any such notice of withdrawal shall have effect when it is received.

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(2) 1971 c. 33 (NI)  
(3) S.I. 1987/1627 (N.I.16)