

2008 No. 357

SOCIAL SECURITY

**The Social Fund (Applications and Miscellaneous Provisions)
Regulations (Northern Ireland) 2008**

Made - - - - - *26th August 2008*

Coming into operation - - - - - *1st October 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 10 and 165(1), (4), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2008 and shall come into operation on 1st October 2008.

(2) In these Regulations—

“the Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c);

“applicant” means the person by, or on behalf of whom, the application for a section 134(1)(b)(d) payment is made;

“section 134(1)(b) payment” means a payment out of the social fund under section 134(1)(b) of the Act (payment to meet needs other than in prescribed circumstances).

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Form and manner in which an application is to be made

2.—(1) An application for a payment by way of community care grant or budgeting loan under section 134(1)(b) of the Act must be made in writing—

(a) on a form approved by the Department and completed in accordance with the instructions on that form; or

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

(2) Subject to paragraph (3), an application for a payment by way of crisis loan under section 134(1)(b) of the Act need not be made in writing.

(a) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671); section 165(6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 1992 c. 7

(d) Section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998

(e) 1954 c. 33 (N.I.)

(3) An application for a crisis loan must be made in writing, where the Department so requires in any particular case and the provisions of paragraph (1) and regulation 3 will then apply to that application as they apply to an application for a community care grant or budgeting loan.

Written applications

3.—(1) This regulation applies to applications for section 134(1)(b) payments which must be made in writing.

(2) Forms of application for section 134(1)(b) payments are to be supplied, without charge, by persons appointed or authorised for that purpose by the Department.

(3) Every application must be delivered or sent to an office of the Department.

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

(5) Where an application has been submitted using an approved form and it appears to the Department that the application has not been completed in accordance with the instructions given on the form, the Department may return the form to the applicant for proper completion.

Crisis loan application not made in writing

4.—(1) This regulation applies to an application for a crisis loan which is not made in writing.

(2) Where the applicant has not provided sufficient particulars to enable any material question to be determined, the Department may request him to provide such further particulars as may reasonably be required to determine the application.

Consent where application is made on behalf of someone else

5.—(1) Where an application for a section 134(1)(b) payment is to be made on behalf of one person (“A”) by another person (“B”), A must give his consent to the application being made on his behalf unless B is a person appointed by the Department under regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) to act on A’s behalf.

(2) Consent must be in writing except where the application is for a crisis loan which is not made in writing.

Time at which an application is to be treated as made

6.—(1) This regulation specifies when an application for a section 134(1)(b) payment is to be treated as made.

(2) In the case of—

(a) an application which meets the requirements of regulation 2(1) or (3); or

(b) an application for a crisis loan not made in writing in respect of which the Department does not request further particulars,

it is the date on which the application is received in an office of the Department.

(3) In the case of an application to which paragraph (4) applies, it is the date on which the application was first received in an office of the Department.

(4) This paragraph applies in the case of—

(a) an application in writing which does not meet the requirements of regulation 2(1) or (3);
or

(a) S.R. 1987 No. 465

- (b) an application for a crisis loan not made in writing in respect of which the Department requests further particulars,

where the applicant complies with the requirements of the Department made under regulation 3(4) or (5) or 4(2).

Condition to be satisfied before payment of a repayable social fund award

7.—(1) In this regulation “section 135 notification” means the notification given by the Department, under section 135(4) of the Act, of the terms and conditions on which an award of a crisis loan or budgeting loan is repayable.

(2) Where an application for a crisis loan is not made in writing, before an award is paid the applicant must provide satisfactory evidence of his identity.

(3) Before an award of a crisis loan or a budgeting loan is paid, the applicant must inform the Department that he agrees to the terms and conditions contained in the section 135 notification, and, subject to paragraph (4), he must do so in writing.

(4) In the case of a crisis loan, the applicant need not inform the Department in writing if the application for the loan was not made in writing.

(5) The applicant must inform the Department of his agreement to the terms and conditions contained in the section 135 notification within the period of 14 days beginning with the date on which the Department notified them to him.

(6) The Department may extend the time specified in paragraph (5) where it is satisfied that special reasons apply, even if it has already expired.

Circumstances in which an award is to be extinguished

8. An award of a section 134(1)(b) payment shall be extinguished where—

- (a) the applicant fails to satisfy the condition in regulation 7(3) within the time referred to in paragraph (5) or (6) of that regulation; or
- (b) in a case where the Department has issued an instrument of payment in respect of the award, that instrument is not presented for payment within the period of 12 months beginning with the date of its issue.

Revocations

9. The following Regulations are revoked—

- (a) the Social Fund (Applications) Regulations (Northern Ireland) 1988(a);
- (b) the Social Fund (Miscellaneous Provisions) Regulations (Northern Ireland) 1990(b); and
- (c) the Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 2002(c).

Sealed with the Official Seal of the Department for Social Development on 26th August 2008

(L.S.)

B McGahan
A senior officer of the Department for Social Development

(a) S.R. 1988 No. 130
(b) S.R. 1990 No. 327
(c) S.R. 2002 No. 284

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate and recast, with the amendments referred to below, the provisions of the Social Fund (Applications) Regulations (Northern Ireland) 1988 (“the 1988 Regulations”) and the Social Fund (Miscellaneous Provisions) Regulations (Northern Ireland) 1990 (“the 1990 Regulations”).

Regulations 2 to 4 set out the manner and form in which applications are to be made for payments by way of a community care grant, crisis loan or budgeting loan out of the social fund under section 134(1)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992. Under the 1988 Regulations where a person applied for a crisis loan by telephone and a determination to make an award was given subsequently, the applicant was required to confirm in writing that there have been no changes to the particulars supporting the application and that those particulars were correct. The requirement has been removed.

Regulation 5 provides for a person’s consent to be given where someone else is making the application on his behalf.

Regulation 6 sets out when an application for a community care grant, crisis loan or budgeting loan is treated as having been made.

Regulation 7 specifies conditions which must be satisfied before payments of a crisis loan or budgeting loan are made. The change from the 1990 Regulations is that, in the case of a crisis loan, the applicant need not inform the Department for Social Development in writing that he agrees to the repayment terms and conditions if the application for the loan was not made in writing.

Regulation 8 specifies circumstances in which an award of a community care grant, crisis loan or budgeting loan becomes extinguished.

Regulation 9 revokes the 1988 Regulations, the 1990 Regulations and a Statutory Rule which amended the 1988 Regulations.

These regulations make, in relation to Northern Ireland only, provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

© Crown Copyright 2008

Published and printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly

Dd. N3752. C2. 9/08. Gp. 130. 14567.

£3.00