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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 270**

The Discretionary Support Regulations (Northern Ireland) 2016

PART 6

Awards and Payments

**Principles of determination of an award**

**21.**—(1) An award of discretionary support may take the form of either a loan or a grant.

(2) A discretionary support officer may decide whether or not to make a discretionary support award in a particular case, or the amount or value to be awarded, and shall have regard to all the circumstances of the case and in particular—

- (a) the nature, extent and urgency of the need;
- (b) the existence of resources including income and capital from which the need may be met either in whole or in part;
- (c) the possibility that some other person or body may wholly or partly meet the need;
- (d) where the amount is repayable, the conditions attached to that repayment, the means and ability to repay and the time within which repayment is likely;
- (e) be satisfied that the award does not exceed the budget allocation;
- (f) take account of any general guidance issued by the Department.

(3) An award of a loan shall include a determination that it is recoverable.

(4) The amount or value of a loan to be awarded should normally be the lowest reasonable cost to meet the claimant's need but the amount shall not in any case exceed the difference between any sum already repayable by the claimant to the Department in respect of discretionary support, social fund, payments on account of benefit, budgeting loan, budgeting advances and the level of debt for the time being acceptable to the Department.

(5) No loan may be awarded in excess of the amount which a discretionary support officer has determined the claimant is likely to be able to repay.

(6) The maximum period permitted for the repayment of a loan will be 52 weeks. Except where it appears to a discretionary support officer that due to exceptional circumstances, the 52 week period will not be met, the loan repayment period may be extended at the point of decision making to a maximum of 78 weeks.

(7) The Department shall inform the claimant, or the person appointed to act on the claimant's behalf, in writing of its decision on a claim as soon as reasonably practicable and that written notification shall also advise of the right to apply for a review.