
STATUTORY RULES OF NORTHERN IRELAND

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.

Conditions to be satisfied before payment of an award

22.—(1) An award of a loan shall be recoverable under such terms and conditions, as the Department notifies to the claimant or person appointed to act on the claimant’s behalf before payment is made.

(2) An award of a grant shall be made under such terms and conditions, as the Department notifies to the claimant or person appointed to act on the claimant’s behalf before payment is made.

(3) The claimant may be required to inform the Department in writing whether they agree to the terms and conditions contained in the notification issued under paragraph (1) within a period defined by the Department and failure to meet this condition will result in an offer being withdrawn.

(4) Before payment the Department shall be satisfied as to the identity of the claimant.

(5) An award will be withdrawn where the claimant fails to satisfy the conditions in paragraphs (1), (2) & (3)

Payment of an award

23.—(1) Discretionary support is to be paid in accordance with an award as soon as is reasonably practicable after an award has been made and the claimant has agreed to the terms and conditions.

(2) Subject to the claimant satisfying the conditions in regulations 21 and 22 the Department may arrange for an award of discretionary support to be paid—

- (a) directly to the claimant by way of a transfer into an account held in the name of the claimant, or an account held jointly as a member of a couple;
- (b) to an account of a person appointed to act on behalf of the claimant; or
- (c) through the supply of goods or services directly to the claimant to the value of the award.

(3) Payment of an award shall be made to the claimant or person appointed to act on behalf of the claimant unless a discretionary support officer determines otherwise.