STATUTORY RULES OF NORTHERN IRELAND

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(**1**), and now vested in it(**2**).

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(**3**);

"applicant" means the person by, or on behalf of whom, the application for a section 134(1)(b)(**4**) 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(**5**) 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—

(**1**) 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))
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 1992 c. 7
(**4**) Section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998
(**5**) 1954 c. 33 (N.I.)

(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.

(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(**6**) 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,

(**6**) S.R. 1987 No. 465