STATUTORY RULES OF NORTHERN IRELAND

2001 No. 216

SOCIAL SECURITY

The Discretionary Financial Assistance Regulations (Northern Ireland) 2001

Made - - - -	*18th May 2001*
Coming into operation	*2nd July 2001*

The Department for Social Development, in exercise of the powers conferred on it by section 60(1) to (4) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**1**) and Article 74(4) to (6) of the Social Security (Northern Ireland) Order 1998(**2**) and now vested in it(**3**) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 and shall come into operation on 2nd July 2001.

(2) In these Regulations—

"the Child Support, Pensions and Social Security Act" means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Discretionary housing payments

2.—(1) Subject to paragraphs (2) and (3) and regulations 3 to 9, the Housing Executive may make payments by way of financial assistance ("discretionary housing payments") to persons who—

(**1**) 2000 c. 4 (N.I.)
(**2**) S.I. 1998/1506 (N.I. 10)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 Nos. 314 and 424, S.R. 1989 No. 125, S.R. 1991 Nos. 47 and 337, S.R. 1992 No. 444, S.R. 1993 No. 145, S.R. 1994 No. 137, S.R. 1996 Nos. 73, 111, 115, 181 and 221, S.R. 1997 Nos. 22 and 376, S.R. 1998 No. 114, S.R. 1999 No. 416, S.R. 2000 Nos. 38 and 74 and S.R. 2001 No. 79
(**5**) 1954 c. 33 (N.I.)

(a) are entitled to housing benefit, and

(b) in a case where the appropriate maximum housing benefit has been restricted under regulation 10A of the Housing Benefit Regulations(**6**) appear to require further financial assistance (in addition to the benefit to which they are entitled) in order to meet housing costs.

(2) Subject to paragraph (3) and regulations 4 and 5, the Housing Executive has a discretion—

(a) as to whether or not to make discretionary housing payments in a particular case, and

(b) as to the amount of the payments and the period for, or in respect of which, they are made.

(3) Paragraphs (1) and (2) shall not apply in respect of housing costs incurred in any period before 2nd July 2001 in the case of a person entitled to housing benefit who requires further financial assistance in order to meet housing costs arising from his liability to make periodical payments in respect of the dwelling which he occupies as his home.

Circumstances in which discretionary housing payments may be made

3. For the purposes of section 60(2)(a) of the Child Support, Pensions and Social Security Act (discretionary financial assistance with housing), the prescribed circumstance in which discretionary housing payments may be made is where a person has made a claim for a discretionary housing payment and the requirement for financial assistance does not arise as a consequence of—

(a) a liability to meet any of the ineligible service charges specified in Schedule 1 to the Housing Benefit Regulations(**7**) (ineligible service charges);

(b) a liability to meet rates;

(c) a liability to meet the increase in such payment as is referred to in regulation 8(2A) of the Housing Benefit Regulations(**8**) (eligible housing costs);

(d) a reduction of an amount of benefit by virtue of Article 43(11) of the Child Support Order(**9**)(failure to comply with obligations imposed by Article 9);

(e) a reduction of a specified amount of benefit by virtue of section 2A of the Administration Act(**10**) (work-focused interviews);

(f) a reduction in the amount of a jobseeker's allowance payable by virtue of Article 19 of the Jobseekers (Northern Ireland) Order 1995(**11**) (reduced payments);

(g) the non-payability of a jobseeker's allowance or a reduction in the amount of a jobseeker's allowance payable, pursuant to a decision made by virtue of Article 21 or 22A of the Jobseekers (Northern Ireland) Order 1995(**12**) (circumstances in which a jobseeker's allowance is not payable or denial or reduction of joint-claim jobseeker's allowance);

(h) the suspension of payment of an amount of benefit by virtue of Article 21, 22 or 24 of the Social Security (Northern Ireland) Order 1998 (suspension in prescribed circumstances; suspension for failure to furnish information, etc. or suspension and termination for failure to submit to medical examination) or section 59 of, and paragraphs 13 and 14 of Schedule 7 to, the Child Support, Pensions and Social Security Act (revisions and

(**6**) Regulation 10A was inserted by regulation 6 of S.R. 1996 No. 111 and amended by regulation 3 of S.R. 1996 No. 181, regulation 2 of S.R. 1996 No. 221 and regulation 2(2) of S.R. 1998 No. 114

(**7**) Schedule 1 was amended by S.R. 1988 No. 314, S.R. 1989 No. 125, S.R. 1991 Nos. 47 and 337, S.R. 1993 No. 145, S.R. 1994 No. 137, S.R. 1996 No. 73, S.R. 1997 Nos. 22 and 376, S.R. 1999 No. 416 and S.R. 2000 Nos. 38 and 74

(**8**) Paragraph (2A) was inserted by regulation 2(*b*) of S.R. 1992 No. 444 and amended by regulation 3 of S.R. 1999 No. 416

(**9**) S.I. 1991/2628 (N.I. 23)

(**10**) 1992 c. 8: section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**11**) S.I. 1995/2705 (N.I. 15)

(**12**) Article 21 was amended by paragraph 110 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and Article 22A was inserted by paragraph 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999