

2009 No. 392

SOCIAL SECURITY

**The Social Fund (Applications and Miscellaneous Provisions)
(Amendment) Regulations (Northern Ireland) 2009**

Made - - - - - *27th November 2009*

Coming into operation - - - - - *21st December 2009*

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) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 21st December 2009.

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

Amendment of the Social Fund (Applications and Miscellaneous Provisions) Regulations

2.—(1) The Social Fund (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2008(d) are amended in accordance with paragraphs (2) to (5).

(2) For regulation 2 (form and manner in which an application is to be made) substitute—

“Form and manner in which an application for a community care grant or budgeting loan is to be made

2. 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.

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

(d) S.R. 2008 No. 357

Form and manner in which an application for a crisis loan is to be made

2A.—(1) An application for a payment by way of crisis loan under section 134(1)(b) of the Act need not be made in writing but must be made in writing where the Department so requires in any particular case.

(2) Where an application for a crisis loan is required to be made in writing it must be made—

- (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;

and the provisions of regulation 3 will then apply to that application as they apply to an application for a community care grant or budgeting loan.

(3) The Department may require a person who wishes to apply for a crisis loan in respect of living expenses to attend for interview at an office of the Department and to make the application to the interviewing officer.

(4) Where someone (“B”) is making the application on behalf of another person (“A”) the Department may require that B attend the interview instead of, or together with, A in order to make the application.

(5) The Department must give the applicant reasonable notice of the date, time and place at which such an interview is to take place.”.

(3) In regulation 5(2) (consent where application is made on behalf of someone else) for “not made in writing” substitute “made by telephone”.

(4) In regulation 6(2)(a) and (4)(a) (time at which an application is to be treated as made) for “regulation 2(1) or (3)” substitute “regulation 2 or 2A(2)”.

(5) In regulation 7 (condition to be satisfied before payment of a repayable social fund award)—

- (a) in paragraph (2) omit the words “Where an application for a crisis loan is not made in writing,”; and
- (b) in paragraph (4) for “not made in writing” substitute “made by telephone”.

Sealed with the Official Seal of the Department for Social Development on 27th November 2009

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2008 (“the 2008 Regulations”).

They provide that the Department may require an applicant for a crisis loan for living expenses to attend an interview at an office of the Department in order to make the application (regulation 2A(3) to (5) of the 2008 Regulations as inserted by regulation 2(2)).

Regulation 2(3) to (5) makes consequential changes to the 2008 Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision 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, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

© Crown Copyright 2009

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.

2009 No. 392

SOCIAL SECURITY

The Social Fund (Applications and Miscellaneous Provisions)
(Amendment) Regulations (Northern Ireland) 2009