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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 270**

The Discretionary Support Regulations (Northern Ireland) 2016

PART 3

Eligibility

**Basic eligibility conditions**

- 10.**—(1) A discretionary support award may be made where—
- (a) an extreme, exceptional or crisis situation presents a significant risk to the health, safety or well-being of the claimant or a member of the claimant’s immediate family;
  - (b) the need for discretionary support occurs in Northern Ireland;
  - (c) the claimant’s income does not exceed the annual income threshold;
  - (d) the claimant is—
    - (i) at least 18 years old, except where child benefit is payable in respect of the claimant; or
    - (ii) a minimum of 16 years old in the case of a young person who is without parental support; and
  - (e) the need must be satisfied in Northern Ireland.
- (2) For the purposes of this regulation a person is not entitled to a discretionary support award unless the person—
- (a) is ordinarily resident in Northern Ireland; and
  - (b) is present in Northern Ireland.
- (3) Except in the case of a disaster, discretionary support shall not be awarded in respect of—
- (a) living expenses for which a discretionary support award has already been made;
  - (b) a claim for the same or other items made within any rolling 12 month period from the date an award is made by the same claimant; or
  - (c) any loan in relation to regulation 11(1)(c) or (d) which exceeds the 3 loan maximum as set out in sub-paragraph (d).
  - (d) Subject to regulation 12 a claimant is not eligible to be awarded more than three loans or one grant in a rolling 12 month period.
- (4) In this regulation “a young person is without parental support” means, where that person is not being looked after by an authority and—
- (a) has no parents;
  - (b) has parents, but cannot live with those parents because—
    - (i) the person is estranged from them; or

- (ii) there is a serious risk to the person's physical or mental health, or that person would suffer significant harm if the person lived with them; or
- (c) is living away from those parents, and neither parent is able to support the person financially because that parent—
  - (i) has a physical or mental impairment; or
  - (ii) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court.

### **Loan eligibility**

**11.—(1)** Discretionary support may be awarded in the form of a loan as follows—

- (a) by the provision of immediate assistance with short term living expenses;
- (b) by the provision of household items, or assistance with the repair or replacement of household items that have been stolen, broken or destroyed;
- (c) by the provision of travelling expenses, to the claimant or one or more members of their immediate family, or an escort, including any reasonable charges for overnight accommodation in order to—
  - (i) visit a close relative who is ill;
  - (ii) attend a close relative's funeral;
  - (iii) ease a domestic crisis;
  - (iv) visit a child who is with the other parent pending a family court decision;
  - (v) move to suitable accommodation; or
- (d) by providing rent in advance to a landlord other than the Northern Ireland Housing Executive.

(2) A loan shall not be awarded for any of the items and services specified in Schedule 1.

(3) Where paragraph (1)(a) applies short term living expenses shall be limited to those expenses deemed, by a discretionary support officer, as necessary to support a basic standard of living.

(4) Any award to which paragraphs (1)(c), (3), or (5) applies shall not in any case exceed the difference between any sum already repayable by the claimant and the claimant's partner and an assessment of their ability to repay and a level of debt for the time being acceptable to the Department.

(5) Where paragraph (1)(d) applies the amount of rent to be provided shall not exceed a sum calculated in accordance with paragraph (4)(1) of Schedule 2 of the Housing Benefit Regulations (Northern Ireland) 2006(1).

(6) In this regulation "escort" means a person, who is not an immediate family member, who is permitted to accompany an individual.

### **Grant eligibility**

**12.—(1)** Discretionary support may be awarded in the form of a grant where the conditions in paragraph (2) are satisfied.

(2) A grant will only be awarded where—

- (a) the grant is to provide assistance for a claimant or their immediate family to remain or begin living independently in the community; or

- (b) the claimant or their immediate family are prevented from remaining in their home; or
- (c) the grant is to provide assistance in the form of living expenses where the claimant is over the acceptable debt threshold; or
- (d) where the claimant is eligible for a loan for living expenses and cannot afford to make repayment.

(3) For the purposes of paragraph 2, sub-paragraphs (a) and (b) only one grant may be awarded to a claimant in any rolling 12 month period from the date an award is made except in the event of a disaster.

(4) For the purposes of paragraph 2, sub-paragraphs (c) and (d) only one living expenses grant may be awarded to a claimant in any rolling 12 month period from the date an award is made.

(5) A grant shall not be awarded for any of the items and services specified in Schedule 2.

(6) In this regulation “acceptable debt threshold” means the level of debt determined as acceptable to the Department.

#### **Persons excluded from discretionary support**

**13.** Discretionary support may not be awarded in respect of a person who is—

- (a) a prisoner or a person who is lawfully detained or is on temporary release under rule 27 of the Prisons and Young Offenders Centres Rules (Northern Ireland) 1995(2);
- (b) a resident in a residential care home, a nursing home or a hospital in-patient, unless it is expected that the person will be discharged within the following 2 weeks;
- (c) a member of a religious order who is fully maintained by that order;
- (d) listed in regulation 14 (a) to (c) unless regulation 14 applies.

#### **Persons not eligible for discretionary support unless arising as a consequence of a disaster**

**14.** Discretionary support may not be awarded except when arising as a consequence of a disaster to—

- (a) a person who is (or treated as) in full time third level education;
- (b) a person subject to a trade dispute; or
- (c) a person under a sanction as applied by the Department,

where that person would otherwise be ineligible for discretionary support.