
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

The Discretionary Support Regulations (Northern Ireland) 2016

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Discretionary Support Regulations (Northern Ireland) 2016 and shall come into operation on the commencement of Article 76 of the Welfare Reform (Northern Ireland) Order 2015.

Discretionary Support Awards

2. Discretionary support may be awarded in accordance with the provisions of these Regulations.

Interpretation

3. In these Regulations—

“annual income threshold” means the amount calculated in accordance with regulation 15(2);

“appropriate office” means an office of the Department or any other place designated by the Department in relation to any case or class of case as a place to, or which, any claim, notice, document, evidence or other information may be sent, delivered or received for the purposes of these Regulations and includes a postal address specified by the Department for that purpose;

“child” means a person under the age of 16;

“claim” means a claim for a discretionary support award;

“claimant” means a person and any member of a couple who makes a claim, or on behalf of whom a claim is made, for a discretionary support award;

“close relative” means a member of a couple, parent, stepparent, grandparent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

“couple” means—

- (a) subject to paragraph (e) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household;
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners; or

(e) in a case where a person is a member of a polygamous marriage, that person and the member of the polygamous marriage to whom that person was first married,

and for the purposes of paragraph (d) two people of the same sex are regarded as living together as if they are civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;

“disaster” means a sudden and calamitous event causing loss of possessions or property;

“discretionary support award” means either an award of a grant or a loan;

“discretionary support inspector” means a person appointed by the Department in accordance with Article 136 of the Welfare Reform (Northern Ireland) Order 2015;

“discretionary support officer” means an officer of the Department, acting under its authority and executing functions of the Department in relation to the provisions of discretionary support;

“discretionary trust” means a Trust where the Trust assets or the income from them, are allocated entirely at the Trustees’ discretion to any one or more of several beneficiaries or class of beneficiaries. The primary intended beneficiary must have no absolute right to either the capital or the income;

“grant” means a non-repayable discretionary support payment;

“income” includes the income of the other member of a couple and means the remuneration or profits derived from—

(a) employment under a contract of service or in an office, including elective office;

(b) a trade, profession or vocation;

(c) any other paid work; or

(d) any payments made in accordance with benefit legislation;

“immediate family” means members of a household for whom the claimant has financial responsibility;

“loan” means an interest free repayable discretionary support payment;

“parent” includes a guardian, any person acting in the place of a parent, any other person having parental responsibility for a child and any person having care of a child;

“the Order” means the Welfare Reform (Northern Ireland) Order 2015;

“young person” means a person over the age of 16, but under the age of 18, except where the young person is over the age of 18 and their parents are in receipt of child benefit.