
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

The Discretionary Support Regulations (Northern Ireland) 2016

PART 5

Capital

Notional capital

19.—(1) A claimant shall be treated as possessing capital of which they have deprived themselves for the purpose of securing entitlement to discretionary support.

(2) Except in the case of—

(a) a discretionary trust; or

(b) a trust derived from a payment made in consequence of a personal injury,

any capital which would become available to the claimant upon claim being made but which has not been acquired by them shall be treated as possessed by them but only from the date on which it would be so acquired.

(3) Where a claimant is treated as possessing capital under paragraphs (1) and (2), the foregoing provisions of this Part shall apply for the purposes of calculating its amount as if it was actual capital which they do possess.