
STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 7

Miscellaneous

Discretionary support

Discretionary support

135.—(1) The Department may, in accordance with regulations under this Article—

- (a) make payments by way of grant or loan to prescribed persons;
- (b) provide, or arrange for the provision of, goods or services to prescribed persons.

(2) Anything done under paragraph (1)(a) or (b) is referred to in this Article as the provision of discretionary support.

(3) Regulations may make provision—

- (a) for the Department to provide discretionary support only in prescribed circumstances;
- (b) conferring a discretion on the Department (subject to any provision made by virtue of subparagraph (c) or (d))—
 - (i) as to whether or not to provide discretionary support in a particular case, and
 - (ii) as to the nature of the discretionary support and (in the case of support by way of payments) as to the amount of the payments and the period for or in respect of which they are made;
- (c) imposing a limit on the amount of the discretionary support that the Department may make in any particular case;
- (d) restricting the period for or in respect of which the Department may provide discretionary support in any particular case;
- (e) for claims for discretionary support to be made in the prescribed form and manner and for the procedure to be followed in dealing with and disposing of such claims;
- (f) imposing conditions on persons claiming or receiving discretionary support requiring them to provide to the Department such information as may be prescribed;
- (g) for the disclosure of information relating to discretionary support in prescribed circumstances or to prescribed persons;
- (h) authorising the Department in prescribed circumstances to recover by prescribed means discretionary payments made under this Article;
- (i) requiring or authorising reviews (whether by the Department or a prescribed person) of decisions made by the Department with respect to the provision of discretionary support or the recovery of payments made under this Article;

Status: Point in time view as at 02/05/2016.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Discretionary support is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (j) for such other matters as appear to the Department to be necessary or expedient in connection with the provision of discretionary support, including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.
- (4) In this Article “prescribed” means prescribed by, or determined in accordance with, regulations under this Article.
- (5) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (6) The Department shall, in respect of each financial year, prepare and lay before the Assembly a report on the operation of regulations made under this Article.

Commencement Information

II Art. 135 in operation at 17.2.2016 by S.R. 2016/46, art. 3(5)(e)

Discretionary support Commissioner

- 136.**—(1) There shall be an officer known as “the discretionary support Commissioner”.
- (2) The discretionary support Commissioner shall be appointed by the Department on such terms and conditions as the Department may determine.
- (3) The discretionary support Commissioner—
- (a) shall appoint such discretionary support inspectors, and
 - (b) may appoint such staff for the Commissioner and for discretionary support inspectors, as the Commissioner thinks fit but with the consent of the Department.
- (4) Appointments under paragraph (3) shall be made from persons made available to the Commissioner by the Department.
- (5) Discretionary support inspectors have such functions as are conferred or imposed on them—
- (a) by regulations under Article 135, or
 - (b) by any other statutory provision,
- in relation to the review of decisions of the Department.
- (6) It shall be the duty of the discretionary support Commissioner—
- (a) to monitor the quality of decisions of discretionary support inspectors and give them such advice and assistance as the Commissioner thinks fit to improve the standard of their decisions;
 - (b) to arrange such training of discretionary support inspectors as the Commissioner considers necessary;
 - (c) to carry out such other functions in connection with the work of discretionary support inspectors as the Department may require;
 - (d) to report annually in writing to the Department on the standards of reviews by discretionary support inspectors.
- (7) The Department shall publish any report made under paragraph (6)(d).
- (8) In Part 1 of Schedule 4 to the Administration Act after the entries under the heading “The social fund” insert—

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“Discretionary support officers

The discretionary support Commissioner.

A discretionary support inspector.

A member of any staff appointed under Article 136(3)(b) of the Welfare Reform (Northern Ireland) Order 2015.”

(9) In the Freedom of Information Act 2000, in Part 7 of Schedule 1 after the entry relating to the social fund Commissioner insert—

“The discretionary support Commissioner appointed under Article 136 of the Welfare Reform (Northern Ireland) Order 2015.”

Commencement Information

I2 [Art. 136](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(f\)](#)

Status:

Point in time view as at 02/05/2016.

Changes to legislation:

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