

**2008 No. 111**

**SOCIAL SECURITY**

**The Discretionary Financial Assistance (Amendment)  
Regulations (Northern Ireland) 2008**

*Made* - - - - - *12th March 2008*

*Coming into operation* - - - - - *7th April 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 60(1) and (2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000<sup>(a)</sup> and Article 74(4) to (6) of the Social Security (Northern Ireland) Order 1998<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

The Social Security Advisory Committee has agreed that proposals in respect of regulation 2(2)(c) should not be referred to it<sup>(d)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Discretionary Financial Assistance (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 7th April 2008.

**Amendment of the Discretionary Financial Assistance Regulations**

2.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001<sup>(e)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (circumstances in which discretionary housing payments may be made)—

(a) after paragraph (a)(f) insert—

“(aa) a liability to meet charges for water, sewerage or allied environmental services;”;

(b) in paragraph (d) for “Article 43(11)” substitute “Article 43(5)”; and

(c) after paragraph (i)(g) add—

“(j) a reduction in the amount of benefit due to recovery of an overpayment under Part XIII of the Housing Benefit Regulations or Part XII of the Housing Benefit (State Pension Credit) Regulations.”.

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(a) 2000 c. 4 (N.I.)

(b) S.I. 1998/1506 (N.I. 10)

(c) See Article 8(b) of S.R. 1999 No. 481

(d) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8); section 64 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) added paragraph (af) to section 149(5) which defines “the relevant enactments” in respect of which regulations must normally be referred to the Committee

(e) S.R. 2001 No. 216; relevant amending Regulations are S.R. 2002 No. 80 and S.R. 2006 No. 407

(f) Paragraph (a) was amended by paragraph 8(4)(i) of Schedule 2 to S.R. 2006 No. 407

(g) Paragraph (i) was added by regulation 9 of S.R. 2002 No. 80

(3) For regulation 5 (period for, or in respect of which, discretionary housing payments may be made) substitute—

**“Period for, or in respect of which, discretionary housing payments may be made**

5.—(1) Subject to paragraph (2), the Housing Executive may restrict the period for or in respect of which discretionary housing payments may be made to such period as it considers appropriate in a particular class of case or the particular circumstances of a case.

(2) The Housing Executive may make discretionary housing payments to a person only in respect of a period during which that person is or was entitled to housing benefit.”.

Sealed with the Official Seal of the Department for Social Development on 12th March 2008

(L.S.)

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A senior officer of the Department for Social Development

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 (“the principal Regulations”).

Regulation 2(2) amends regulation 3 of the principal Regulations. Regulation 2(2)(a) inserts paragraph (aa) to preclude discretionary housing payments being made to meet a need for financial assistance which arises because of charges for water, sewerage or allied environmental services and is consequential on the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)). Regulation 2(2)(b) updates a reference to the Child Support (Northern Ireland) Order 1991. Regulation 2(2)(c) adds paragraph (j) to preclude discretionary housing payments being made to meet a need for financial assistance which arises because of a reduction in housing benefit to recover an overpayment. Regulation 2(3) substitutes regulation 5 of the principal Regulations to make it clear that discretionary housing payments may only be made in respect of a period where the person is or was entitled to housing benefit.

In so far as these Regulations are required, for the purposes of regulation 2(2)(c), to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained 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, that Act, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.