
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 268

FINANCIAL ASSISTANCE

**The High Street (Coronavirus, Financial Assistance)
Scheme Regulations (Northern Ireland) 2021**

Made - - - - *22nd September*
Coming into operation *2021*
24th September 2021

The First Minister and deputy First Minister, acting jointly, made on 4 August 2021 a determination under section 1(1) of the Financial Assistance Act (Northern Ireland) 2009(1) ; and, acting jointly, they have designated the Department for the Economy as the relevant department under section 1(3) (a) of that Act.

Accordingly, the Department for the Economy, makes the following Regulations in exercise of the powers conferred by sections 1(2), 3 and 4 of that Act.

In accordance with section 1(4) of that Act, the Executive Office(2) approves the making of these Regulations.

Citation and Commencement

1. These regulations may be cited as the High Street (Coronavirus, Financial Assistance) Scheme Regulations (Northern Ireland) 2021 and come into operation on 24 September 2021.

High Street (Coronavirus, Financial Assistance) Scheme

2. The Department for the Economy makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department for the Economy on 22nd September 2021.

(L.S.)

Brenda Burke
A senior officer of the
Department

(1) 2009 c. 2 (N.I.).

(2) Formerly the Office of the First Minister and the deputy First Minister: see section 1(1) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)).

The Executive Office approves these Regulations.
Sealed with the Official Seal of the Executive Office on 22nd September 2021.

(L.S.)

Chris McNabb
A senior officer of the
Executive Office

SCHEDULE

Regulation 2

High Street (Coronavirus, Financial Assistance) Scheme

Citation and Interpretation

1.—(1) This Scheme may be cited as the High Street (Coronavirus, Financial Assistance) Scheme.

(2) In this Scheme-

“**application**” shall be construed in accordance with paragraph 5;

“**coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Department**” means the Department for the Economy;

“**the determination**” means the determination made by the First and deputy First Minister, acting jointly, on 4 August 2021 which recites that as a result of the exceptional circumstances that exist for local businesses as a result of coronavirus it is desirable to provide financial assistance to such businesses to mitigate the effect of the coronavirus pandemic, and determines to do so under a scheme under the Financial Assistance (Northern Ireland) Act 2009;

“**online portal**” means the online portal established by the Department for the making of online applications for a pre-paid card under the Scheme;

“**pre-paid card**” means a pre-paid card with an initial stored value of £100 the use of which by its holder to make a payment or payments results in the stored value of the card being debited with the payment or payments;

“**pre-paid card provider**” means a person with whom the Department has entered into arrangements to provide pre-paid cards under the Scheme;

“**the Scheme**” means the High Street (Coronavirus, Financial Assistance) Scheme established pursuant to the Economic Recovery Action Plan published by the Department on 25 February 2021 and the determination;

“**spend period**” shall be construed in accordance with paragraph 8.

Purpose of the Scheme

2. The purpose of the Scheme is to provide financial assistance to mitigate (through the use of pre-paid cards) the effect of the exceptional circumstances referred to in the determination.

The Scheme

3.—(1) The Scheme-

(a) commences on 26 September; and

(b) ends at midnight on 31 March 2022.

(2) The Department –

(a) may make, with any person, such arrangements as it considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, the Scheme;

(b) in particular, may pay to a pre-paid card provider a sum equal to the initial stored value of the pre-paid cards that the provider provides under the Scheme.

Eligible applicant

4.—(1) A person is eligible for a pre-paid card if the person-

Status: This is the original version (as it was originally made).

- (a) is resident in Northern Ireland (see sub-paragraph (2)),
- (b) has attained the age of 18 or will attain that age before the end of the application period (as to which, see paragraph 5(7) and (8)); and
- (c) has not previously been provided with a card under the Scheme.

(2) A person is “resident” in Northern Ireland for the purposes of sub-paragraph (1)(a) if the person satisfies such conditions as to residency as are specified in a determination made by the Department for that purpose.

(3) The Department must publish a determination under sub-paragraph (2) in such manner as the Department considers most appropriate for bringing it to the attention of persons who may be affected by it.

(4) But a person is not eligible for a pre-card card if, when the application is made, the person is detained, or is liable to be detained, under a custodial sentence (within the meaning given by Article 4(1) of the Criminal Justice (Northern Ireland) Order 2008) or in pursuance of a committal or remand in custody awaiting trial or sentence.

Application

5.—(1) An application for a pre-paid card must be made to the Department –

- (a) using the online portal; or
- (b) by telephone using a telephone number published by the Department for that purpose.

(2) If the Department is satisfied that a particular application cannot be made in accordance with sub-paragraph (1), the Department may consider the application if it is made in any other manner specified by the Department.

(3) An application must contain all the information requested by the Department.

(4) An application may only be made in the application period.

(5) The Department must determine whether the applicant is eligible under paragraph 4 and –

- (a) if the applicant is eligible, the Department must approve the application and arrange for the pre-paid card provider to provide the applicant with a pre-paid card;
- (b) if the applicant is not eligible, the Department must reject the application.

(6) The Department must, as soon as reasonably practicable –

- (a) if it approves the application, notify the applicant of that decision;
- (b) if it rejects the application, notify the applicant in writing of that decision and the reason for the rejection.

(7) “Application period” is the period that begins with 27 September 2021 and ends with 25 October 2021.

(8) The Department may extend the application period.

(9) If the Department extends the application period, it must publish notice of the extension as soon as reasonably practicable.

(10) Publication under sub-paragraph (1)(b) or (9) is to be in such manner as the Department considers most appropriate for bringing the telephone number or the extension of the application period (as the case may be) to the attention of persons who may be affected by it.

Review of rejected applications

6.—(1) Where an application has been rejected under paragraph 5, the applicant may request the Department to reconsider it.

- (2) Such a request must –
 - (a) be made in writing within the period–
 - (i) commencing on the day the applicant was notified of the rejection of the application; and
 - (ii) ending on the fifth day thereafter;
 - (b) specify the decision of the Department in respect of which a review is requested; and
 - (c) provide full details of the grounds on which the review is requested.
- (3) The Department may, where it considers it is appropriate to do so, extend the period referred to in sub-paragraph (2)(a).
- (4) In reviewing a rejected application, the Department –
 - (a) may require the applicant to provide such information as it considers necessary for the purposes of that review;
 - (b) may confirm the rejection of the application or approve that application.
- (5) The Department must, as soon as reasonably practicable, notify the applicant in writing of the outcome of its review and the reason for that outcome.
- (6) Where the Department approves the application following a review under this paragraph, it must arrange for the pre-paid card provider to provide the applicant with a pre-paid card (but see sub-paragraph (7)).
- (7) The Department is not required to arrange for a pre-paid card to be provided to the applicant if the Department considers that it is not possible for the card to be provided within a reasonable time before the end of the spend period.
- (8) If, in accordance with sub-paragraph (7), the Department does not arrange for a pre-paid card to be provided to an applicant, the Department must as soon as reasonably practicable notify the applicant in writing of that outcome.

Distribution of cards

7. A pre-paid card shall be sent by ordinary post.

Spend period

- 8.—(1) A pre-paid card may only be used during the period (“the spend period”) –
 - (a) beginning with the day the card is activated (see sub- paragraph (2)); and
 - (b) ending on 30 November 2021.
- (2) In sub-paragraph (1)(a), “activated” means activated by the applicant in accordance with instructions provided by the pre-paid card provider.
- (3) Despite sub-paragraph (1)(b), the Department may do any of the following-
 - (a) terminate the spend period before 30 November 2021;
 - (b) extend that period beyond that date;
 - (c) suspend and reactivate that period.
- (4) Where the Department does any of the things mentioned in sub-paragraph (3), it must publish notice of the change as soon as reasonably practicable.
- (5) Publication under sub-paragraph (4) is to be in such manner as the Department considers most appropriate for bringing notice of the change to the attention of persons who may be affected by it.

Use of card

9.—(1) The use of a pre-paid card under the Scheme shall be subject to such terms and conditions as shall be notified to the card holder by the pre-paid card provider.

(2) A pre-paid card may be used to purchase goods or services from any wholesale or retail establishment, or from any business, if that establishment or business is physically present in Northern Ireland; but this is subject to paragraph 10.

(3) A pre-paid card may be used in full or part payment of a purchase mentioned in sub-paragraph (2).

Excluded uses

10.—(1) Arrangements made by the Department in connection with the Scheme may provide that a pre-paid card may not be used for excluded transactions (see sub-paragraph (2)).

(2) Excluded transactions are—

- (a) any transaction to purchase goods or services, to pay for facilities, to make payments or otherwise to do anything falling in a merchant code category that is published by the International Organization for Standardization and listed in the Schedule to the Scheme ;
- (b) a transaction of any other description specified in a determination made by the Department for the purposes of this sub-paragraph.

(3) The Department must publish notice of any determination under sub-paragraph (2)(b) as soon as reasonably practicable.

(4) Publication under sub-paragraph (3) is to be in such manner as the Department considers most appropriate for bringing the determination to the attention of persons who may be affected by it.

Expiry of a pre-paid card

11. A pre-paid card expires on the earliest of-

- (a) the exhaustion of all of the stored value of the card;
- (b) the cancellation of the card in accordance with the terms and conditions referred to in paragraph 9(1).
- (c) the day on which the spend period ends; and
- (d) the day on which the Scheme ends.

Recovery of sums spent by ineligible users

12.—(1) Sub-paragraph (2) applies where -

- (a) a pre-paid card is provided to a person who is not eligible for it,
- (b) as a result of the card being used, an amount is debited from the stored value of the card, and
- (c) the Department has paid to the pre-paid card provider, or is under an obligation to pay to the pre-paid card provider an amount in respect of the card.

(2) The Department may recover from the cardholder, as a civil debt, a sum equal to the amount mentioned in sub-paragraph (1)(b).

Payment to be disregarded for social security

13. The stored value of a pre-paid card shall not be taken into account in considering a person's entitlement to a Social Fund payment, a discretionary support award or a payment under any of the following social security benefits-

- (a) income support;
- (b) jobseekers allowance;
- (c) employment and support allowance;
- (d) housing benefit (working age);
- (e) housing benefit (state pension credit age);
- (f) universal credit; or
- (g) state pension credit.

Information

14.—(1) A public body may disclose any information to the Department if the disclosure is made for the purpose of enabling or assisting the Department to exercise a function under the Scheme.

(2) The Department may disclose any information to a public body if the disclosure is made in connection with the exercise of the Department's functions under the Scheme.

(3) A disclosure of information authorised by this paragraph does not breach—

- (a) any obligation of confidence owed by the person making the disclosure in relation to that information, or
- (b) any other restriction on the disclosure of information (however imposed).

(4) But nothing in this paragraph authorises either of the following—

- (a) the making of a disclosure which, although made in the exercise of a function under the Scheme, would contravene the data protection legislation (see sub-paragraph (5));
- (b) the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(5) In this paragraph “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(6) This paragraph does not affect any power to disclose that exists apart from this paragraph.

SCHEDULE

Merchant Category Codes

1111	Test Desc
4784	Toll And Brige Fees
4815	Visaphone
4829	Money Orders / Wire Transfer
5262	New Mail Order
5542	Automated Fuel Dispensers

Status: This is the original version (as it was originally made).

5815	Digital Goods - Audiovisual Media Including Books, Movies, And Music
5816	Digital Goods - Games
5817	Digital Goods - Software Applications (Excluding Games)
5818	Digital Goods - Multi-Category
5960	Direct Marketing- Insurance Service
5961	Mail Order Houses Including Catalog Order Stores, Book/Record
5962	Direct Marketing / Travel Related Arrangements Services
5963	Door-To-Door Sales
5964	Direct Marketing / Catalog Merchant
5965	Direct Marketing / Catalog And Catalog And Retail Merchant
5966	Direct Marketing- Outbound Telemarketingdirect Marketing- Outbound
5967	Direct Marketing / Inbound Teleservices Merchant
5968	Direct Marketing / Continuity/Subscription Merchant
5969	Direct Marketing / Not Elsewhere Classified
6010	Financial Institutions / Manual Cash Disbursements
6011	Financial Institutions / Automated Cash Disbursements
6012	Financial Institutions / Merchandise And Services
6015	Non Fin Inst Stamps
6050	Quasi Cash Member Financial Institution
6051	Non-Fin Institutions / Foreign Currency, Money Orders, Travels Cheques
6211	Security Brokers/Dealers
6300	Insurance Sales, Underwriting, And Premiums
6381	Insurance Premiums, (No Longer Valid For First Presentment Work)
6399	Insurance, Not Elsewhere Classified (No Longer Valid For First
6513	Real Estate Agents And Managers - Rentals
6529	Remote Stored Value Load Member Financial Institution
6530	Remote Stored Value Load Merchant
6531	Payment Service Provider Payment Transfer For A Purchase
6532	Payment Service Provider Member Financial Institution Payment Transaction
6533	Payment Service Provider Merchant Payment Transaction
6534	Money Transfer Member Financial Institution
6535	Value Purchase Member Financial Institution
6536	Moneysend Intracountry
6537	Moneysend Intercountry

6538	Moneysend Funding Transaction
6539	Funding Transaction Excluding Moneysend
6540	Poi Funding Transactions (Excluding Mastercard Moneysend)
7012	Timeshares
7273	Dating And Escort Services
7276	Tax Preparation Service
7321	Consumer Credit Reporting Agencies
7800	Government Owned Lotteries
7801	Internet Gambling
7802	Government-Licensed Horse/Dog Racing
7995	Betting (Including Lottery Tickets, Casino Gaming Chips, Off-Track
8651	Political Organizations
8931	Accounting, Auditing, And Bookkeeping Services
9063	Vers Iii
9211	Court Costs, Including Alimony And Child Support
9222	Fines
9223	Bail And Bond Payments
9311	Tax Payments
9399	Government Services (Not Elsewhere Classified)
9402	Postal Services / Government Only
9405	Intra / Government Transactions
9411	Government Loan Payments
9700	Automated Referral Service (For Visa Only)
Y	Visa Credential Server (For Visa Use Only)
9950	Intra / Company Purchases (For Visa Only)

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations provide for the issue of a pre-paid stored value card to successful applicants under the High Street Scheme (Northern Ireland) 2021.

Regulation 2 provides that the Scheme is set out in the Schedule.

The Schedule -

Status: This is the original version (as it was originally made).

- (a) provides that the Department for the Economy must issue a pre-paid stored value card to applicants who meet the eligibility criteria;
- (b) specifies the how the application must be made, including the period within which the application must be made (“the application period”);
- (c) provides for a reconsideration of rejected applications;
- (d) provides that the Department must arrange to have a pre-paid card issued to successful applicants by a pre-paid card provider with whom the Department has entered into an arrangements;
- (e) provides for the period during which a pre-paid card may be used (“the spend period”) ;
- (f) provides what a pre-paid card may be used for and what uses are excluded;
- (g) provides that payments made to applicants who are not eligible under the Scheme may be recovered; and
- (h) provides that the stored value of a pre-paid card is to be ignored for certain social security purposes.

A Regulatory Impact Assessment has been prepared for these Regulations. An Explanatory Memorandum has been published alongside this instrument. Both documents can be viewed at www.economy-ni.gov.uk