

**2022 No. 222**

**SOCIAL SECURITY**

**The Social Fund (Budgeting Loans) (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2022**

*Made* - - - - *21st September 2022*

*Coming into operation* - *12th October 2022*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 10 and 165(1), (4), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Fund (Budgeting Loans) (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2022 and shall come into operation on 12th October 2022.

(2) In these Regulations—

“the Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c);

“applicant” means the person by or on behalf of whom the application for a budgeting loan is made; and

“budgeting loan” means a payment by way of a budgeting loan under section 134(1)(b) of the Act.

**Form and manner in which an application is to be made**

2. An application for a budgeting loan must be made in writing—

(a) on a form approved by the Department and completed in accordance with the instructions on that form; or

(b) in such other manner as the Department may accept as sufficient in any particular case.

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(a) 1992 c. 8; section 10 was repealed by Schedule 12, Part 7 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)), for specified purposes as set out in Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 6 and Saving Provision) Order 2016 (S.R. 2016 No. 411) (“the Commencement Order”). Section 10 continues to have effect in so far as it relates to budgeting loans. Section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671); section 165(6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(b) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).

(c) 1992 c. 7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998; section 135(4) was amended by paragraph 53(4) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and sections 134(1)(b), (3) and (5) and 135 were repealed by Schedule 12, Part 7 of the Welfare Reform (Northern Ireland) Order 2015 for specified purposes as set out in Article 2 of the Commencement Order. These sections continue to have effect in so far as they relate to budgeting loans.

### **Written applications**

3.—(1) Application forms for budgeting loans approved by the Department for the purposes of regulation 2(a) are to be supplied, without charge, by persons appointed or authorised for that purpose by the Department.

(2) Every application must be delivered or sent to an office of the Department.

(3) Where the applicant has not provided sufficient particulars to enable any material question to be determined, the Department may request the applicant to provide (in writing, by attendance at an office of the Department or by other reasonable means) such further particulars as may reasonably be required to determine the application.

(4) Where an approved application form has been submitted and it appears to the Department that the application form has not been completed in accordance with the instructions given on the form, the Department may return the form to the applicant and require proper completion.

### **Consent where application is made on behalf of someone else**

4.—(1) Where an application for a budgeting loan is to be made on behalf of one person (“A”) by another person (“B”), B must not make such an application unless—

- (a) A has given consent to the application being made on A’s behalf; or
- (b) B is a person appointed by the Department under regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(a)</sup> to act on A’s behalf.

(2) Consent must be in writing.

### **Time at which an application is to be treated as made**

5. An application for a budgeting loan is to be treated as made on the date on which the application is first received in an office of the Department.

### **Conditions to be satisfied before payment of a budgeting loan**

6.—(1) Before an award of a budgeting loan is paid the applicant must provide satisfactory evidence of the applicant’s identity.

(2) Before an award of a budgeting loan is paid the applicant must inform the Department that the applicant agrees to the terms and conditions notified to the applicant in accordance with section 135(4) of the Act.

(3) The applicant must inform the Department of the applicant’s agreement under paragraph (2) within 14 days beginning with the date on which the Department notified the applicant of the terms and conditions in accordance with section 135(4) of the Act.

(4) The Department may extend the time specified in paragraph (3) where the Department is satisfied that special reasons apply, even if it has already expired.

### **Circumstances in which an award is to be extinguished**

7. An award of a budgeting loan becomes extinguished where—

- (a) the applicant fails to satisfy the condition in paragraph (2) of regulation 6 within the time referred to in paragraph (3) or (4) of that regulation; or
- (b) in a case where the Department has issued an instrument of payment in respect of the award, that instrument is not presented for payment within the period of 12 months beginning with the date of its issue.

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(a) S.R. 1987 No. 465

## **Revocations**

**8.** The following Regulations are revoked—

- (a) the Social Fund (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2008(**a**); and
- (b) the Social Fund (Applications and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2009(**b**).

Sealed with the Official Seal of the Department for Communities on 21st September 2022

(L.S.)

*Anne McCleary*  
A senior officer of the Department for Communities

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(a) S.R. 2008 No. 357  
(b) S.R. 2009 No. 392

## EXPLANATORY NOTE

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

These Regulations replace the Social Fund (Applications and Miscellaneous Provisions) Regulations (Northern Ireland) 2008 (“the 2008 Regulations”) (S.R. 2008 No. 357), which are revoked, and reflect the fact that budgeting loans are the only remaining element of social fund payments made under section 134(1)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Regulations 2 and 3 set out the manner and form in which applications are to be made for payments by way of budgeting loan out of the social fund.

Regulation 4 provides for consent to be given where someone else is making the application on the applicant’s behalf.

Regulation 5 sets out when an application for a budgeting loan is treated as having been made.

Regulation 6 specifies conditions which must be satisfied before payments of budgeting loans are made. A change from the 2008 Regulations is that agreement to the repayment terms and conditions does not need to be in writing.

Regulation 7 specifies the circumstances in which an award of a budgeting loan becomes extinguished.

Regulation 8 revokes the 2008 Regulations and the Social Fund (Applications and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 392) which amended the 2008 Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision 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, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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