



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART VIII

THE SOCIAL FUND

136 Principles of determination.

- (1) In determining whether to make an award to the applicant or the amount or value to be awarded a social fund officer shall have regard, subject to subsection (2) below, to all the circumstances of the case and, in particular—
 - (a) the nature, extent and urgency of the need;
 - (b) the existence of resources from which the need may be met;
 - (c) the possibility that some other person or body may wholly or partly meet it;
 - (d) where the payment is repayable, the likelihood of repayment and the time within which repayment is likely;
 - (e) any relevant allocation under section 147(1) to (4) of the Administration Act.
- (2) A social fund officer shall determine any question in accordance with any general directions issued by the Department and in determining any question shall take account of any general guidance issued by the Department.
- (3) Without prejudice to the generality of subsection (2) above, the Department may issue directions under that subsection for the purpose of securing that a social fund officer or group of social fund officers shall not in any specified period make awards of any specified description which in the aggregate exceed the amount, or a specified portion of the amount, allocated to that officer or group of officers under section 147(1) to (4) of the Administration Act for payments under awards of that description in that period.
- (4) Without prejudice to the generality of subsection (2) above, the power to issue general directions conferred on the Department by that subsection includes power to direct—
 - (a) that in circumstances specified in the direction a social fund officer shall not determine an application and, without prejudice to the generality of this

Status: Point in time view as at 01/07/1992. This version of this provision has been superseded.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 136 is up to date with all changes known to be in force on or before 12 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)

paragraph, that a social fund officer shall not determine an application which is made before the end of a specified period after the making of an application by the same person for a payment such as is mentioned in section 134(1)(b) above to meet the same need and without there having been any relevant change of circumstances since the previous application;

- (b) that for a category of need specified in the direction a social fund officer shall not award less than an amount specified in the direction;
- (c) that for a category of need specified in the direction a social fund officer shall not award more than an amount so specified;
- (d) that payments to meet a category of need specified in the direction shall in all cases or in no case be made by instalments;
- (e) that payments to meet a category of need specified in the direction shall in all cases or in no case be repayable; and
- (f) that a payment such as is mentioned in section 134(1)(b) above shall only be awarded to a person if either—
 - (i) he is in receipt of a benefit which is specified in the direction and the circumstances are such as are so specified; or
 - (ii) in a case where the conditions specified in sub-paragraph (i) above are not satisfied, the circumstances are such as are specified in the direction,

and the power to issue general guidance conferred on the Department by that subsection includes power to give social fund officers guidance as to any matter to which directions under that subsection may relate.

- (5) In determining a question a social fund officer shall take account (subject to any directions or guidance issued by the Department under this section) of any guidance issued by the social fund officer nominated for his area under section 62(3) of the Administration Act.

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