



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 [^{F1}of a community care grant or a crisis loan] to the applicant or the amount or value to be awarded [^{F2}an appropriate officer] shall have regard, subject to subsection (2) below, to all the circumstances of the case and, in particular—
- the nature, extent and urgency of the need;
 - the existence of resources from which the need may be met;
 - the possibility that some other person or body may wholly or partly meet it;
 - where the payment is repayable, the likelihood of repayment and the time within which repayment is likely;
 - any relevant allocation under section 147(1) to (4) of the Administration Act.

[^{F3}(1A) Subject to subsection (2) below, in determining whether to make an award of a budgeting loan to the applicant, or the amount or value to be awarded, an appropriate officer shall have regard to—

- such of the applicant's personal circumstances as are of a description specified in directions issued by the Department; and
- the criteria specified in paragraphs [^{F4}(b), (d) and (e)] of subsection (1) above,
^{F5} ...]

- (2) [^{F6}An appropriate 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.

Status: Point in time view as at 29/06/2007. This version of this provision has been superseded.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 07 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)*

- [^{F7}(3) Without prejudice to the generality of subsection (2) above, the Department may issue directions under that subsection for the purpose of securing that allocations under section 147 of the Administration Act are not exceeded.]
- (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 [^{F8}an appropriate officer] shall not determine an application and, without prejudice to the generality of this paragraph, that [^{F8}an appropriate 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;
 - [^{F9}(aa) that in circumstances specified in the direction an application for an award of a community care grant may be treated as an application for an award of a crisis loan, and vice versa;]
 - (b) that for a category of need specified in the direction [^{F8}an appropriate officer] shall not award less than an amount specified in the direction;
 - (c) that for a category of need specified in the direction [^{F8}an appropriate 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;
 - [^{F10}(e)
 - (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 [^{F11}appropriate officers] guidance as to any matter to which directions under that subsection may relate.
- (5) In determining a question [^{F12}an appropriate officer] shall take account (subject to any directions or guidance issued by the Department under this section) of any guidance issued by [^{F13}the appropriate officer nominated for his area under Article 36 of the Social Security (Northern Ireland) Order 1998].

Textual Amendments

- F1** Words in s. 136(1) inserted (5.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 67(1)**; S.R. 1999/168, **art. 2(a)**
- F2** Words in s. 136(1) substituted (29.11.1999) by S.I. 1998/1506 (N.I. 10), **art. 78(1)**, **Sch. 6 para. 54(1)**; S.R. 1999/472, **art. 2(1)(a)**, **Sch. 1**
- F3** S. 136(1A) inserted (5.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 67(2)**; S.R. 1999/168, **art. 2(a)**
- F4** Words in s. 136(1A)(b) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 50(a)**, **60(2)(a)**
- F5** Words in s. 136(1A) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 50(b)**, **60(2)(a)**, **Sch. 8**
- F6** Words in s. 136(2) substituted (29.11.1999) by S.I. 1998/1506 (N.I. 10), **art. 78(1)**, **Sch. 6 para. 54(2)**; S.R. 1999/472, **art. 2(1)(a)**, **Sch. 1**

Status: Point in time view as at 29/06/2007. This version of this provision has been superseded.

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- F7** S. 136(3) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(c), **Sch. 7 para. 1(3)**
- F8** Words in s. 136(4) substituted (29.11.1999) by S.I. 1998/150 (N.I. 10), art. 78(1), **Sch. 6 para. 54(4)(a)**; S.R. 1999/472, art. 2(1)(a), **Sch. 1**
- F9** S. 136(4)(aa) inserted (5.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 67(1)**; S.R. 1999/168, **art. 2(a)**
- F10** S. 136(4)(e) repealed (5.4.1999) by S.I. 1998/1506 (N.I. 10), arts. 67(1), 78(2), **Sch. 7**; S.R. 1999/168, **art. 2(a)(c)**
- F11** Words in s. 136(4) substituted (29.11.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 54(4)(b)**; S.R. 1999/472, art. 2(1)(a), **Sch. 1**
- F12** Words in s. 136(5) substituted (29.11.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 54(5)(a)**; S.R. 1999/472, art. 2(1)(a), **Sch. 1**
- F13** Words in s. 136(5) substituted (29.11.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 54(5)(b)**; S.R. 1999/472, art. 2(1)(a), **Sch. 1**

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