EXPLANATORY MEMORANDUM

THE DISCRETIONARY SUPPORT (AMENDMENT NO. 2) (COVID-19) REGULATIONS (NORTHERN IRELAND) 2020

S.R. 2020 No. 000

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Article 135 of the Welfare Reform (Northern Ireland) Order 2015 ("the Order") and is subject to the draft affirmative procedure.

2. Purpose

2.1 These Regulations amend the Discretionary Support Regulations (Northern Ireland) 2016 which provide for discretionary loans or grants to be awarded to claimants who meet certain defined criteria, including having a total income below a prescribed annual income threshold.

2.2 These Regulations make provision to increase the annual income threshold, above which a claimant may not normally eligible for discretionary support.

3. Background

3.1 These Regulations are being brought forward in response to the coronavirus COVID-19 pandemic.

3.2 The amendment will increase the annual income threshold by increasing the amount of income a person can receive in a year while still being eligible for discretionary support in the form of either a loan or a grant.

3.3 The annual income threshold is based on a working week of 40 hours over 52 weeks paid at the hourly rate set by the National Minimum Wage Regulations 2015 for a person over the age of 25, in force on the date of a claim.

3.4 These Regulations will increase the number of hours per working week from 40 hours to 45 hours.

3.5 These Regulations will have the effect of enabling the Department to provide a Discretionary Support award to claimants who find themselves in a crisis as a result of COVID-19.

4. Consultation

4.1 No consultation has taken place due to the Department's need to respond to the urgency of this fast-developing public health emergency.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as they impose only minimal costs on business, charities or voluntary bodies.

7. Financial Implications

7.1 The amendment to Discretionary Support will have an impact on the existing Discretionary Support budget which is currently set at £16 million per annum. The actual impact will be dependent on the number of additional claims made for Discretionary Support.

8. Section 24 of the Northern Ireland act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

(a) is not incompatible with any of the Convention rights,

(b) is not incompatible with EU law,

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 There is no equivalent provision being made for Great Britain.