1990 No. 327

SOCIAL SECURITY

The Social Fund (Miscellaneous Provisions) Regulations (Northern Ireland) 1990

Made . . . . . *30th August 1990*

Coming into operation . . *24th September 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 34(13) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Fund (Miscellaneous Provisions) Regulations (Northern Ireland) 1990 and shall come into operation on 24th September 1990.

(2) In these regulations "the Order" means the Social Security (Northern Ireland) Order 1986.

Condition to be satisfied before payment of a social fund award

2.—(1) Before a payment of an award out of the social fund under Article 33(2)(*b*) of the Order (payment to meet needs other than in prescribed circumstances) is made for a category of need which is specified in directions given by the Department to be repayable(**b**), the person by or on behalf of whom the application was made shall notify the Department in writing of his agreement to the terms and conditions of which he has been notified by the Department in accordance with Article 34(4A) of the Order(**c**) within 14 days of the date on which that notification was issued to that person.

(2) The time specified in paragraph (1) may be extended by the Department for special reasons, even though the time so specified may already have expired.

(**a**) S.I. 1986/1888 (N.I. 18); Article 34(13) was added by Article 12(5) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)). Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the powers conferred by Article 34(13); the said section 155(3A) was inserted by Article 63(1)

(**b**) Directions given by the Department under Articles 33(2)(*b*), 34(10) and (10A) and 35(8)(*a*) and (*b*) of the Social Security (Northern Ireland) Order 1986. Article 34(10A) was inserted by paragraph 11 of Schedule 3 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and amended by Article 12(4) of, and Schedule 7 to, the Social Security (Northern Ireland) Order 1990

(**c**) Article 34(4A) was inserted by paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1988

Circumstances in which an award is to be extinguished

3. An award of a payment out of the social fund under Article 33(2)(*b*) of the Order (payment to meet needs other than in prescribed circumstances) shall be extinguished where—

(*a*) the person by or on behalf of whom the application was made fails to satisfy the condition in regulation 2(1), within the time there specified or as extended under regulation 2(2), as the case may be; or

(*b*) the payment has been made to the person by or on behalf of whom the application was made or to a third party but the person or the third party, as the case may be, has failed to present for payment the instrument of payment within 12 months of its issue.

Amendment of the Social Fund (Applications) Regulations (Northern Ireland) 1988

4. After regulation 2 of the Social Fund (Applications) Regulations (Northern Ireland) 1988(**a**) there shall be added the following regulation—

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

3. The time at which an application to which regulation 2 applies is to be treated as made shall be—

(*a*) in the case of an application which meets the requirements of regulation 2(1), the date on which it is received in an appropriate office;

(*b*) in the case of an application which does not meet the requirements of regulation 2(1), but where the person complies with the requirements of the Department pursuant to regulation 2(5), the date on which the application was received in an appropriate office in the first instance.".

Sealed with the Official Seal of the Department of Health and Social Services on 30th August 1990.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) S.R. 1988 No. 130

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations—

(*a*) specify the condition to be satisfied before payments of certain awards out of the social fund are made (regulation 2);

(*b*) specify the circumstances in which an award of a payment out of the social fund is to be extinguished (regulation 3); and

(*c*) amend the Social Fund (Applications) Regulations (Northern Ireland) 1988 by specifying the time at which an application is to be treated as made (regulation 4).

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Article 12(5) of the Social Security (Northern Ireland) Order 1990, which inserted the enabling provision under which these regulations are made, came into operation on 14th August 1990 by virtue of Article 1(4)(*b*) of that Order.