



# Financial Assistance Act (Northern Ireland) 2009

## 2009 CHAPTER 2

An Act to enable the making by Northern Ireland departments of schemes for financial assistance in certain circumstances. [4th February 2009]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

### **Exceptional circumstances: power to provide financial assistance**

1.—(1) The powers conferred by this section are exercisable if the First Minister and deputy First Minister, acting jointly, determine—

- (a) that exceptional circumstances exist,
- (b) that it is desirable to provide financial assistance to prevent, control or mitigate any aspect or effect of those circumstances, and
- (c) that such assistance ought to be provided in accordance with a scheme or schemes under this section.

(2) The relevant department may, at any time within 3 months from the date of the determination under subsection (1), by regulations make a scheme for the provision of financial assistance for any purpose mentioned in subsection (1)(b).

(3) In relation to any regulations under subsection (2) providing for financial assistance of a particular kind “the relevant department” means—

- (a) the Northern Ireland department designated by the First Minister and deputy First Minister, acting jointly, in relation to the provision of financial assistance of that kind; or
- (b) if no such designation is made in relation to any such regulations, OFMDFM.

(4) Regulations made under this section by virtue of a designation under subsection (3)(a) require the approval of OFMDFM.

(5) Regulations under this section are subject to negative resolution.

(6) If the scheme contained in regulations under this section imposes functions on any public body other than the department making the regulations, that department must consult the public body concerned before making the regulations.

(7) A determination under subsection (1) and a designation under subsection (3)(a) must be in writing and may be contained in the same instrument.

#### **Unsatisfactory funding arrangements: power to provide financial assistance**

**2.—**(1) The powers conferred by this section are exercisable if the First Minister and deputy First Minister, acting jointly, determine—

- (a) that a situation exists which requires financial assistance to be provided to tackle poverty, social exclusion or patterns of deprivation based on objective need,
- (b) that arrangements to provide such financial assistance are not in place, or that such arrangements as are in place for that purpose are, or are likely to be, ineffective, inadequate or for any other reason unsatisfactory, and
- (c) that such assistance ought to be provided in accordance with a scheme or schemes under this section.

(2) The relevant department may, at any time within 6 months from the date of the determination under subsection (1), by regulations make a scheme for the provision of financial assistance for any purpose mentioned in subsection (1)(a).

(3) In relation to any regulations under subsection (2) providing for financial assistance of a particular kind “the relevant department” means—

- (a) the Northern Ireland department designated by the First Minister and deputy First Minister, acting jointly, in relation to the provision of financial assistance of that kind; or
- (b) if no such designation is made in relation to any such regulations, OFMDFM.

(4) Regulations made under this section by virtue of a designation under subsection (3)(a) require the approval of OFMDFM.

(5) No regulations shall be made under this section unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) If the scheme contained in regulations under this section imposes functions on any public body other than the department making the regulations, that department must consult the public body concerned before making the regulations.

(7) A determination under subsection (1) and a designation under subsection (3)(a) must be in writing and may be contained in the same instrument.

### Schemes for financial assistance

3.—(1) A scheme contained in regulations under section 1 or 2 may include provision for, or in connection with—

- (a) determining eligibility for financial assistance under the scheme;
- (b) determining the form and extent of financial assistance to be provided under the scheme;
- (c) determining by which department the financial assistance is to be provided;
- (d) applications (if any) for assistance under the scheme, including provision for any such applications—
  - (i) to be made in a specified manner to a specified person;
  - (ii) to be made by a specified date;
  - (iii) to contain specified information;
- (e) imposing conditions or restrictions in connection with the operation of the scheme;
- (f) imposing functions on public bodies in connection with the implementation of the scheme;
- (g) securing that steps are taken to bring the scheme to the attention of persons likely to be eligible for assistance under the scheme;
- (h) the general administration of the scheme, including provision for the review of decisions taken under the scheme and for dealing with disputes as to eligibility or entitlement under the scheme;
- (i) any other matter which appears to the relevant department to be necessary or appropriate for the efficient and effective administration of the scheme.

(2) A scheme contained in regulations under section 1 or 2 may provide for the scheme to cease to have effect at the end of a specified period from the date on which the regulations are made; but (without prejudice to the operation of section 28 of the Interpretation Act (Northern Ireland) 1954 (c. 33)) the scheme may include such saving provisions as the relevant department thinks necessary

or appropriate for dealing with matters or proceedings under the scheme which are outstanding at the time the scheme ceases to have effect.

### Financial assistance

4.—(1) A scheme may provide for financial assistance to be given in any form, including, in particular, by way of a grant, loan or guarantee.

(2) A scheme may provide for financial assistance to be provided subject to such conditions as may be specified in, or determined in accordance with, the scheme.

(3) Those conditions may include (in the case of a grant) conditions for repayment in specified circumstances.

(4) A scheme may provide for financial assistance to be provided—

- (a) directly to those entitled to receive it under the scheme; or
- (b) indirectly (for example by being made to a public body on terms which require that body to provide financial assistance to those so entitled).

(5) Financial assistance may be provided under this Act even though other powers to provide financial assistance exist.

### Interpretation

5. In this Act—

“the relevant department”, in relation to a scheme, has the meaning given by section 1(3) or 2(3);

“OFMDFM” means the Office of the First Minister and deputy First Minister;

“public body” means—

- (a) a Northern Ireland department;
- (b) a body established by or under a statutory provision;
- (c) a statutory undertaker within the meaning of [<sup>F1</sup>the Planning Act (Northern Ireland) 2011] ; or
- (d) any other body which exercises functions wholly or mainly of a public nature and is prescribed by regulations made by OFMDFM, subject to negative resolution;

“scheme” means a scheme under section 1 or 2;

“specified”, in relation to a scheme, means specified in the scheme.

#### Annotations:

#### Amendments (Textual)

- F1** Words in s. 5 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 103](#)

(with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2))

### **Short title and commencement**

**6.—**(1) This Act may be cited as the Financial Assistance Act (Northern Ireland) 2009.

(2) This Act comes into operation on the day after that on which it receives Royal Assent.

**Status:**

Point in time view as at 01/04/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Financial Assistance Act (Northern Ireland) 2009.