

1988 No. 368

SOCIAL SECURITY

**The Social Fund (Cold Weather Payments) (General)
Regulations (Northern Ireland) 1988**

Made 14th October 1988

Coming into operation 7th November 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(2A) 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 (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 and shall come into operation on 7th November 1988.

(2) In these regulations—

- “the Order” means the Social Security (Northern Ireland) Order 1986;
- “the General Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(b);
- “claimant” means a person claiming a payment out of the social fund under Article 33(2A) of the Order to meet expenses for heating;
- “family” has the meaning assigned to it by Article 21(11) of the Order and for the purposes of these regulations includes persons who are members of a polygamous marriage;
- “home” means the dwelling, together with any garage, garden and outbuildings normally occupied by the claimant as his home, including any premises not so occupied which it is impracticable or unreasonable to sell separately;
- “income support” means income support under Part III of the Order and includes transitional addition, personal expenses addition and special transitional addition as defined in the Income Support (Transitional) Regulations (Northern Ireland) 1987(c);
- “mean daily temperature” means, in respect of a day, the average of the maximum temperature and minimum temperature recorded at a station for that day;

(a) S.I. 1986/1888 (N.I. 18); Article 33(2A) was inserted by paragraph 1 of Schedule 3 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). 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 33(2A); the said section 155(3A) was inserted by Article 63(1) (b) S.R. 1987 No. 459; as amended by S.R. 1988 Nos. 146, 193, 205, 274 and 318
(c) S.R. 1987 No. 460; as amended by S.R. 1988 Nos. 132 and 153

“period of cold weather” means a period of 7 days beginning on a Monday and ending on the following Sunday during which the average of the mean daily temperature for that period is equal to or below 0 degrees Celsius;

“polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

“station” means a National Climatological Message Station.

Prescribed circumstances

2.—(1) Subject to regulation 4, the prescribed circumstances in which a payment may be made out of the social fund to meet expenses for heating under Article 33(2A) of the Order are—

- (a) a period of cold weather is recorded at a station described in column 1 of the Schedule or, if that station is unable to provide temperature information for the period in question, the nearest such station to that station able to provide temperature information for that period;
- (b) the home of the claimant is, or by virtue of paragraph (2)(b) is treated as, situated in a social security office area in respect of which the first-mentioned station in sub-paragraph (a) is the designated station;
- (c) the claimant has been awarded income support in respect of at least one day during such period of cold weather and either—
 - (i) the claimant’s applicable amount includes one or more of the premiums specified in paragraphs 9 to 14 of Part III of Schedule 2 to the General Regulations, or
 - (ii) a member of the claimant’s family is aged less than 2.

(2) For the purposes of this regulation—

- (a) the station described in column 1 of the Schedule is the designated station for the social security office areas specified in the corresponding paragraph in column 2 thereof and which are described in the publication entitled “Supplementary Benefit Board and Lodging Areas in Northern Ireland” published by Her Majesty’s Stationery Office in 1986(a);
- (b) where the home of the claimant is not included in the description of social security office areas in the said publication it shall be treated as being situated within the social security office area nearest to it.

Prescribed amount

3. Subject to regulation 4, the amount of the payment in respect of each period of cold weather shall be £5.

Effect and calculation of capital

4.—(1) Where a claimant has any capital which is in excess of £500, a payment in respect of a period of cold weather which, but for this regulation, would be payable, shall be payable only to the extent that the amount of the payment would otherwise exceed the amount by which that capital exceeds £500.

(2) For the purposes of paragraph (1), the claimant's capital shall be calculated in the same manner as his capital is calculated under the General Regulations for the purposes of determining his entitlement to income support.

Sealed with the Official Seal of the Department of Health and Social Services on 14th October 1988.

(L.S.)

P. A. Conliffe

Assistant Secretary

SCHEDULE

Climatological Stations and Social Security Office Areas

Column 1 <i>Climatological Station</i>	Column 2 <i>Social Security Office Areas</i>
A. Aldergrove	A. Antrim Ballymena Ballymoney Carrickfergus Larne Magherafelt
B. Lisburn	B. Andersonstown Corporation Street Falls Road Holywood Road Knockbreda Shaftesbury Square Shankill Armagh Ballynahinch Banbridge Bangor Downpatrick Kilkeel Lisburn Lurgan Newcastle Newry Newtownabbey Newtownards Portadown
C. Carmoney	C. Coleraine Limavady Londonderry
D. Carrigans	D. Cookstown Dungannon Enniskillen Omagh Strabane

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make provision for a payment to be made out of the social fund to meet expenses for heating which appear to the Department to have been, or to be likely to be, incurred in cold weather.

Regulation 2 provides that a payment may be made for a period of cold weather (7 days) if—

the claimant has been awarded income support for at least one day of that period;

his applicable amount includes a disability or pensioner premium, or a member of his family is aged under 2; and

an average temperature of 0 degrees Celsius or less is recorded for that period at a climatological station designated for the relevant social security office area specified in the Schedule and described in the publication “Supplementary Benefit Board and Lodging Areas in Northern Ireland”.

Regulation 3 prescribes an amount of £5 in respect of each period of cold weather.

Regulation 4 subjects the amount of £5 to a reduction in respect of any capital in excess of £500.

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.

The publication “Supplementary Benefit Board and Lodging Areas in Northern Ireland” is published by Her Majesty’s Stationery Office and numbered ISBN 0 337 07369 4 and is available from Her Majesty’s Stationery Office, Government Bookshop, 80 Chichester Street, Belfast, BT1 4JY; it may also be inspected at any social security office of the Department.