

2000 No. 321

SOCIAL SECURITY

**The Social Fund Winter Fuel Payment (Amendment)
Regulations (Northern Ireland) 2000**

Made 24th October 2000

Coming into operation 13th November 2000

The Department for Social Development, in exercise of the powers conferred by sections 134(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), 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 Winter Fuel Payment (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 13th November 2000.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Fund Winter Fuel Payment Regulations

2.—(1) The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2), the definition of “residential care home” shall be omitted;

(b) in paragraph (3)—

(i) for “In these” there shall be substituted “Subject to paragraph (3A), in these”; and

(ii) for “lives”, in each place where it occurs, there shall be substituted “resides”;

(c) after paragraph (3) there shall be inserted the following paragraph—

“(3A) For the purposes of paragraph (3)(a)(i)—

(a) 1992 c. 7

(b) See Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)

(c) 1954 c. 33 (N.I.)

(d) S.R. 2000 No. 91

(a) paragraph 2A(3)(a) of Schedule 2 to the Income Support Regulations(b) (applicable amounts) shall apply as if—

(i) for “sub-paragraph (2), but subject to sub-paragraph (4),” there were substituted “regulation 1(3)(a)(i) of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000”; and

(ii) the words from “and a person resides in” to the end of that paragraph were omitted; and

(b) a person who resides in an establishment which is not a residential care home shall be treated as residing in a residential care home during any period when he has a preserved right under regulation 19 (persons in homes for persons in need and nursing homes) of the Income Support Regulations.”;

(3) In regulation 3(1)(a)(i) (persons not entitled to a social fund winter fuel payment), for “of a person” there shall be substituted “of, and living with a person”.

Sealed with the Official Seal of the Department for Social Development
on 24th October 2000.

(L.S.)

John O’Neill

Senior Officer of the Department
for Social Development

(a) Paragraph 2A(3) was inserted by regulation 2(6) of S.R. 1993 No. 149 and amended by paragraph 1(j) of Schedule 12 to S.R. 1994 No. 65

(b) S.R. 1987 No. 459; relevant amending regulations are S.R. 1993 No. 149 and S.R. 1994 No. 65

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000. Unregistered homes are excluded from the definition of “residential care” for the purposes of entitlement to a winter fuel payment; however, a person living in such a home who has a preserved right under regulation 19 (applicable amounts for persons in homes for persons in need and nursing homes) of the Income Support (General) Regulations (Northern Ireland) 1987 is treated as living in a residential care home (regulation 2(2)). A person is not disentitled to a winter fuel payment even though he is a partner of a person entitled to such a payment where the 2 people do not live in the same household (regulation 2(3)).

These Regulations make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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