

## **EXPLANATORY MEMORANDUM TO**

### **The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2010**

**SR - 2010 No. 344**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Statutory Rule makes amendments to the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988.

#### **3. Background**

- 3.1. Cold Weather Payments provide help for vulnerable groups in receipt of Pension Credit, Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance to meet heating costs incurred, or likely to be incurred, in cold weather. That is when the average of the mean daily temperature for a period of seven consecutive days at a given weather stations is recorded as, or is forecast to be 0 degrees Celsius or below.
- 3.2. Each residential postcode in Northern Ireland is linked to one of the weather stations used in the scheme. The Meteorological Office uses data from these weather stations to calculate a rolling seven day average temperature and the Department is then notified of "triggers" so that payments can be made to eligible customers.
- 3.3. Cold Weather Payment legislation is amended following expert advice from the Meteorological Office about the continued availability of any weather station and whether any new stations should be introduced into the scheme.
- 3.4. This Statutory Rule provides for two additional weather stations and reassigns some postcodes areas to more appropriate weather stations. It also updates some definitions and provides more clarity on the qualifying conditions, particularly surrounding State Pension Credit and in respect of Child Tax Credits. In addition, it limits backdating to one winter season on the basis that Cold Weather Payments should be paid in close association with the periods of cold weather for which help with heating expenses is provided. A period of 26 weeks beginning with the end of the winter season (31st March) has however been provided for, to allow time for customers to inform the Department if they feel they may have qualified.

3.5. The Statutory Rule also makes consequential revocations.

#### **4. Consultation**

4.1. The Social Security Advisory Committee considered and agreed that it did not require the Great Britain Regulations to be formally referred.

#### **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 these legislative proposals and has concluded that the proposals 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 do not impose any additional costs or savings on business, charities or voluntary bodies.

#### **7. Financial Implications**

7.1. These Regulations have no financial implications. There is a significant risk around costings as they depend entirely upon weather conditions. As a result of last winter's spell of severe weather, three stations triggered on five occasions and two triggered on three occasions.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2010 are not incompatible with the Convention rights; are not incompatible with Community law; do not discriminate against any person or class of person on the ground of religious belief or political opinion; and do 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. The Regulations mirror the Great Britain Regulations and are in keeping with the principle of parity between Northern Ireland and Great Britain in social security matters.

#### **11. Additional Information**

11.1. Not applicable.