

## **EXPLANATORY MEMORANDUM TO**

### **The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2011**

**SR - 2011 No. 383**

#### **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. The Rule provides for the move of postcodes served by the Ballykelly weather station to a new weather station at Magilligan, due to the closure of the Ballykelly weather station
- 3.5. The Statutory Rule also makes a consequential revocation.

#### **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, Ballykelly weather station triggered on four 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) 2011 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.