
STATUTORY INSTRUMENTS

1988 No. 1724

SOCIAL SECURITY

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

<i>Made</i>	- - - -	<i>7th October 1988</i>
<i>Laid before Parliament</i>		<i>7th October 1988</i>
<i>Coming into force</i>	- -	<i>7th November 1988</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 32(2A) and 84(1) of the Social Security Act 1986^{M1}, and section 166(1) to (3A) of the Social Security Act 1975^{M2} and of all other powers enabling him in that behalf, by this instrument, which is made before the end of the period of 6 months from the commencement of the enactment under which it is made, hereby makes the following Regulations:

Modifications etc. (not altering text)

- C1** Instrument applied (with modifications) (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), [reg. 16\(2\)\(e\)\(iii\)\(3\)](#) (with [reg. 3](#))

Marginal Citations

- M1** [1986 c. 50](#); [section 32\(2A\)](#) was added by section 11 of and paragraph 2 of Schedule 3 to the [Social Security Act 1988 \(c. 7\)](#). Section 84(1) is cited because of the meaning assigned to the word “prescribed”.
- M2** [1975 c. 14](#); [section 166\(3A\)](#) was added by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Cold Weather Payments (General) Regulations 1988 and shall come into force on 7th November 1988.

(2) ^{F1}... In these Regulations, unless the context otherwise requires—

[^{F2}“the 2012 Act” means the Welfare Reform Act 2012;]

[^{F3}“the Act” means the Social Security Contributions and Benefits Act 1992;]

[^{F4}“the Welfare Reform Act” means the Welfare Reform Act 2007;]

“the General Regulations” means the Income Support (General) Regulations 1987^{M3};

[^{F5}“the Met Office” means the Met Office of the [^{F6}Department for Science, Innovation and Technology];]

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...

[^{F8}“claimant” means a person who is claiming or has claimed income support [^{F9}, state pension credit [^{F10}, income-based jobseeker's allowance [^{F11}, income-related employment and support allowance or universal credit [^{F12}or who is in receipt of owner-occupier loan payments]]];]

[^{F13}“cold weather payment” means a payment to meet expenses for heating made out of the social fund under section 138(2) of the Act and these Regulations;]

[^{F14}“family” has the meaning given to it in section 137 of the Act and the General Regulations;]

[^{F15}“forecast” means a weather forecast produced by the [^{F16}Met] Office^{F17} ... and supplied to the [^{F18}Department for Work and Pensions] on a daily basis [^{F19}between 1st November in any year and 31st March in the following year,] which provides the expected average mean daily temperature for a period of 7 consecutive days;]

[^{F15}“forecasted period of cold weather” means a period of 7 consecutive days, during which the average of the mean daily temperature for that period is forecasted to be equal to or below 0 degrees celsius; and for the purposes of this definition where a day forms part of a forecasted period of cold weather it shall not form part of any other such forecasted period;]

“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^{F20} ...;

[^{F21}“income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers Act 1995 by virtue of section 1(4) of that Act;]

[^{F22}“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (employment and support allowance);]

[^{F23}“income support” means income support under Part 7 of the Act;]

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...

“mean daily temperature” means, in respect of a day, the average of the maximum temperature and minimum temperature recorded at a [^{F25}site] for that day;

[^{F26}“member of the support group” means a person who has or is treated as having limited capability for work-related activity under Part 6 of the Employment and Support Allowance Regulations 2008;]

[^{F27}“member of the work-related activity group” means a person who has or is treated as having limited capability for work under Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008;]

[^{F28}“overlap period” means any period of a day or days, where a day forms part of a recorded period of cold weather and also forms part of a forecasted period of cold weather;]

[^{F29}“owner-occupier loan payments” means loan payments made under the Loans for Mortgage Interest Regulations 2017;]

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[^{F31}“postcode district” [^{F32}shall be construed in accordance with the Postcode Address File (within the meaning given by section 116 of the Postal Services Act 2000)] [^{F33}except in the case of any postcode district which is identified with an alpha suffix which shall, for the purposes of these Regulations, be treated as if it forms part of a postcode district which is identified without that suffix];]

[^{F34}“recorded period of cold weather” means a period of 7 consecutive days, during which the average of the mean daily temperature recorded for that period was equal to or below 0 degrees celsius; and for the purposes of this definition where a day forms part of a recorded period of cold weather it shall not form part of any other such recorded period;]

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...

[^{F36}“state pension credit” has the meaning given by section 1(1) of the State Pension Credit Act 2002”]

[^{F37}“site” means a site accredited by the Met Office in relation to which a period of cold weather may be forecasted or recorded for the purposes of these Regulations;]

[^{F38}“universal credit” means universal credit under Part 1 of the 2012 Act;]

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...

[^{F13}“winter period” means the period beginning on 1st November in any year and ending on 31st March in the following year.]

^{F39}(2A)

(3) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation is to the regulation in these Regulations bearing that number and a reference in a regulation to a numbered paragraph or sub-paragraph is to the paragraph or sub-paragraph in that regulation bearing that number.

F1	Words in reg. 1(2) deleted (4.11.1996) by The Social Fund Cold Weather Payments (General) Amendment Regulations 1996 (S.I. 1996/2544) , regs. 1(1), 2(2)
F2	Words in reg. 1(2) inserted (1.11.2013) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2013 (S.I. 2013/248) , regs. 1(2), 2(2)(a)
F3	Words in reg. 1(2) substituted (1.11.2010) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2010 (S.I. 2010/2442) , regs. 1(2), 2(2)(a)
F4	Words in reg. 1(2) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554) , regs. 1(2)(b), 6(2)(a)
F5	Words in reg. 1(2) substituted (1.11.2016) by The Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016 (S.I. 2016/876) , regs. 1(2), 2(2)(a)
F6	Words in reg. 1(2) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424) , art. 1(2), Sch. para. 25 (with art. 17)
F7	Words in reg. 1(2) omitted (1.11.2010) by virtue of The Social Fund Cold Weather Payments (General) Amendment Regulations 2010 (S.I. 2010/2442) , regs. 1(2), 2(2)(b)
F8	Words in reg. 1(2) substituted (1.11.1991) by The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238) , regs. 1(1), 2(a)
F9	Words in reg. 1(2) added (1.11.2005) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2005 (S.I. 2005/2724) , regs. 1(1), 3(a)(i)
F10	Words in reg. 1(2) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554) , regs. 1(2)(b), 6(2)(b)
F11	Words in reg. 1(2) substituted (1.11.2013) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2013 (S.I. 2013/248) , regs. 1(2), 2(2)(b)

- F12** Words in reg. 1(2) inserted by S.I. 2017/725, Sch. 5 para. 10(2)(a) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F13** Words in reg. 1(2) inserted (1.11.2010) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2010 (S.I. 2010/2442), regs. 1(2), **2(2)(e)**
- F14** Words in reg. 1(2) substituted (1.11.2010) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2010 (S.I. 2010/2442), regs. 1(2), **2(2)(c)**
- F15** Words in reg. 1(2) inserted (1.11.1991) by The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238), regs. 1(1), **2(b)**
- F16** Word in reg. 1(2) substituted (1.11.2016) by The Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016 (S.I. 2016/876), regs. 1(2), **2(2)(b)**
- F17** Words in reg. 1(2) deleted (4.11.1996) by The Social Fund Cold Weather Payments (General) Amendment Regulations 1996 (S.I. 1996/2544), regs. 1(1), **2(4)(a)**
- F18** Words in reg. 1(2) substituted (1.11.2008) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2008 (S.I. 2008/2569), regs. 1(3), **2(2)**
- F19** Words in reg. 1(2) inserted (4.11.1996) by The Social Fund Cold Weather Payments (General) Amendment Regulations 1996 (S.I. 1996/2544), regs. 1(1), **2(4)(b)**
- F20** Words in reg. 1(2) omitted (1.11.2022) by virtue of The Social Security (Scotland) Act 2018 (Winter Heating Assistance) (Consequential Modifications) Order 2022 (S.I. 2022/1018), arts. 1(2), **2(2)**
- F21** Words in reg. 1(2) inserted (4.11.1996) by The Social Fund Cold Weather Payments (General) Amendment Regulations 1996 (S.I. 1996/2544), regs. 1(1), **2(5)**
- F22** Words in reg. 1(2) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **6(2)(c)**
- F23** Words in reg. 1(2) substituted (1.11.2010) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2010 (S.I. 2010/2442), regs. 1(2), **2(2)(d)**
- F24** Words in reg. 1(2) omitted (1.11.2005) by virtue of The Social Fund Cold Weather Payments (General) Amendment Regulations 2005 (S.I. 2005/2724), regs. 1(1), **3(a)(ii)**
- F25** Word in reg. 1(2) substituted (9.7.2020) by The Social Fund and Social Security (Claims and Payments) (Amendment) Regulations 2020 (S.I. 2020/600), regs. 1(1), **3(2)(a)**
- F26** Words in reg. 1(2) substituted (23.6.2017) by The Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 (S.I. 2017/581), regs. 1, **2(a)** (with reg. 10)
- F27** Words in reg. 1(2) substituted (23.6.2017) by The Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 (S.I. 2017/581), regs. 1, **2(b)** (with reg. 10)
- F28** Words in reg. 1(2) inserted (1.11.1991) by The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238), regs. 1(1), **2(c)**
- F29** Words in reg. 1(2) inserted by S.I. 2017/725, Sch. 5 para. 10(2)(b) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F30** Words in reg. 1(2) omitted (1.11.1991) by virtue of The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238), regs. 1(1), **2(d)**
- F31** Words in reg. 1(2) substituted (4.11.1996) by The Social Fund Cold Weather Payments (General) Amendment Regulations 1996 (S.I. 1996/2544), regs. 1(1), **2(6)**
- F32** Words in reg. 1(2) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), art. 1(2), **Sch. 1 para. 76**
- F33** Words in reg. 1(2) added (1.11.1997) by The Social Fund Cold Weather Payments (General) Amendment Regulations 1997 (S.I. 1997/2311), regs. 1(1), **2**
- F34** Words in reg. 1(2) inserted (1.11.1991) by The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238), regs. 1(1), **2(e)**
- F35** Words in reg. 1(2) omitted (4.11.1996) by virtue of The Social Fund Cold Weather Payments (General) Amendment Regulations 1996 (S.I. 1996/2544), regs. 1(1), **2(7)**

- F36** Words in reg. 1(2) inserted (1.11.2005) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2005 \(S.I. 2005/2724\)](#), regs. 1(1), **3(a)(iii)**
- F37** Words in reg. 1(2) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(2)(b)**
- F38** Words in reg. 1(2) inserted (1.11.2013) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2013 \(S.I. 2013/248\)](#), regs. 1(2), **2(2)(c)**
- F39** Reg. 1(2A) omitted (1.11.2005) by virtue of [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2005 \(S.I. 2005/2724\)](#), regs. 1(1), **3(b)**

Marginal Citations

- M3** 1987/1967; relevant amending instruments are [S.I. 1988/663](#), 910, 999, 1228 and 1445.

[^{F40} Prescribed description of persons

1A.—(1) A cold weather payment may be made in the circumstances prescribed by regulation 2 to a person who satisfies the following conditions.

(2) The first condition is that, in respect of at least one day during the recorded or the forecasted period of cold weather specified in regulation 2(1)(a), the person has been awarded—

- (a) state pension credit;
- (b) income support;
- (c) an income-based jobseeker’s allowance; ^{F41}...
- (d) an income-related employment and support allowance [^{F42}; ^{F43}...
- (e) universal credit] [^{F44}; or
- (f) owner-occupier loan payments and is treated as entitled to a benefit specified in subparagraphs [^{F45}(b)] to (d).]

[^{F46}(g) owner-occupier loan payments and is treated as entitled to state pension credit.]

(3) The second condition (which applies only if the person (“P”) falls within paragraph (2)(b), [^{F47}(c), [^{F48}(d), (e) or (f)]]) is that, in respect of the day to which paragraph (2) relates—

- (a) P’s family includes a member aged less than 5;
- (b) where P has been awarded income support, P’s applicable amount includes one or more of the premiums specified in paragraphs 9 to 14 of Part 3 of Schedule 2 to the General Regulations;
- (c) where P has been awarded a jobseeker’s allowance, P’s applicable amount includes one or more of the premiums specified in paragraphs 10 to 16 of Part 3 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996;
- [^{F49}(d) P’s child tax credit includes a disability element within the meaning of section 9(3) of the Tax Credits Act 2002;]
- (e) where P has been awarded an employment and support allowance [^{F50}and]—
 - (i) [^{F51}P’s applicable amount includes] one or more of the premiums specified in paragraphs 5 to 7 of Schedule 4 to the Employment and Support Allowance Regulations 2008, or

[^{F52}(ii) P is a member of the work-related activity group or is a member of the support group; ^{F53}...]

[^{F54}(f) where P has been awarded universal credit—

- (i) the award includes an amount under section 10(2) of the 2012 Act (child or qualifying young person who is disabled); or
- [^{F55}(ii) P has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013]]^{F56}; or
- (g) where P has been awarded owner-occupier loan payments, P's applicable amount, if P were entitled to a benefit specified in paragraph (2)(b) to (d), would include one or more of the premiums specified in—
 - (aa) where P is treated as entitled to income support, paragraphs 9 to 14 of Part 3 of Schedule 2 to the General Regulations;
 - (bb) where P is treated as entitled to jobseeker's allowance, paragraphs 10 to 16 of Part 3 of Schedule 1 to the Jobseeker's Allowance Regulations 1996;
 - (cc) where P is treated as entitled to employment and support allowance, paragraphs 5 to 7 of Schedule 4 to the Employment and Support Allowance Regulations 2008.]
- [^{F57}(3A) In [^{F58}paragraphs (2) and (3)], a person being treated as entitled to a benefit has the meaning given to it in regulation 2(2)(aa) of the Loans for Mortgage Interest Regulations 2017.]
- (4) The third condition (which does not apply to a person who comes [^{F59}within] paragraph (3) (a) or (d)) is that the person does not reside in—
 - (a) a care home;
 - (b) an independent hospital;
 - (c) an establishment run by the Abbeyfield Society or by a body corporate or incorporate which is affiliated to that Society; or
 - (d) accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947 (provision by the Secretary of State of accommodation in camps).
- [^{F60}(4A) In relation to a person who has been awarded universal credit, the third condition applies as if paragraph (4)(d) were omitted.]
- (5) In paragraph (4) —
 - (a) “care home” in England ^{F61}... has the meaning assigned to it by section 3 of the Care Standards Act 2000, [^{F62}in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over] and in Scotland means a care home service as defined by [^{F63}paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010];
 - (b) “independent hospital”—
 - (i) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
 - (ii) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
 - (iii) in Scotland, means an independent healthcare service as defined in [^{F64}section 10F(1) (a) and (b) of the National Health Service (Scotland) Act 1978].]
- [^{F65}(6) The fourth condition, which applies only where the person has been awarded universal credit and their award of universal credit does not include an amount under section 10(2) of the 2012 Act (child or qualifying young person who is disabled) is that—

- (a) in a case where a cold weather payment is payable in relation to a recorded period of cold weather as mentioned in regulation 2(1)(a)(i), the person was not in employment or gainful self-employment on any day during that period; or
 - (b) in a case where a cold weather payment is payable in relation to a forecasted period of weather as mentioned in regulation 2(1)(a)(ii), the person is not in employment or gainful self-employment on the day when the [^{F66}Met] Office supplies the Department for Work and Pensions with the forecast.
- (7) For the purpose of paragraph (6)—
- (a) “employment” means employment under a contract of service, or in an office, including an elective office;
 - (b) a person is in gainful self-employment where—
 - (i) they are carrying on a trade, profession or vocation as their main employment;
 - (ii) their earnings from that trade, profession or vocation are treated as self-employed earnings for the purpose of regulations made under section 8(3) of the 2012 Act; and
 - (iii) the trade, profession or vocation is organised, developed, regular and carried on in expectation of profit.]
- [^{F67}(8) The fifth condition is that the person’s home is in England or Wales.]

- F40** Reg. 1A substituted (1.11.2010) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2010 \(S.I. 2010/2442\)](#), regs. 1(2), **2(3)**
- F41** Word in reg. 1A(2) omitted (1.11.2013) by virtue of [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2013 \(S.I. 2013/248\)](#), regs. 1(2), **2(3)(a)**
- F42** Reg. 1A(2)(e) and word added (1.11.2013) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2013 \(S.I. 2013/248\)](#), regs. 1(2), **2(3)(b)**
- F43** Word in reg. 1A(2) omitted by S.I. 2017/725, Sch. 5 para. 10(3)(a)(i) (as inserted) (6.4.2018) by virtue of [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(e)**
- F44** Reg. 1A(2)(f) and word inserted by S.I. 2017/725, Sch. 5 para. 10(3)(a)(ii) (as inserted) (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(e)**
- F45** Word in reg. 1A(2)(f) substituted (15.3.2021) by [The Loans for Mortgage Interest \(Amendment\) Regulations 2021 \(S.I. 2021/131\)](#), regs. 1(b), **3(2)(a)**
- F46** Reg. 1A(2)(g) inserted (15.3.2021) by [The Loans for Mortgage Interest \(Amendment\) Regulations 2021 \(S.I. 2021/131\)](#), regs. 1(b), **3(2)(b)**
- F47** Words in reg. 1A(3) substituted (1.11.2013) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2013 \(S.I. 2013/248\)](#), regs. 1(2), **2(4)(a)**
- F48** Words in reg. 1A(3) substituted by S.I. 2017/725, Sch. 5 para. 10(3)(b)(i) (as inserted) (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(e)**
- F49** Reg. 1A(3)(d) substituted (6.4.2017) by [The Social Fund \(Amendment\) Regulations 2017 \(S.I. 2017/271\)](#), regs. 1(2), **2**
- F50** Words in reg. 1A(3)(e) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 2(3)(a)** (with Sch. 2 paras. 1-7)
- F51** Words in reg. 1A(3)(e)(i) inserted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 2(3)(b)** (with Sch. 2 paras. 1-7)
- F52** Reg. 1A(3)(e)(ii) substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 2(3)(c)** (with Sch. 2 paras. 1-7)

- F53** Word in reg. 1A(3) omitted by S.I. 2017/725, Sch. 5 para. 10(3)(b)(ii) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F54** Reg. 1A(3)(f) added (1.11.2013) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2013 (S.I. 2013/248), regs. 1(2), **2(4)(c)**
- F55** Reg. 1A(3)(f)(ii) substituted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 11**
- F56** Reg. 1A(3)(g) and word inserted by S.I. 2017/725, Sch. 5 para. 10(3)(b)(iii) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F57** Reg. 1A(3A) inserted by S.I. 2017/725, Sch. 5 para. 10(3)(c) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F58** Words in reg. 1A(3A) substituted (15.3.2021) by The Loans for Mortgage Interest (Amendment) Regulations 2021 (S.I. 2021/131), regs. 1(b), **3(3)**
- F59** Word in reg. 1A(4) substituted (1.11.2010) by The Social Fund Cold Weather Payments (General) Amendment (No. 2) Regulations 2010 (S.I. 2010/2591), regs. 1(2), **3(1)**
- F60** Reg. 1A(4A) inserted (1.11.2013) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2013 (S.I. 2013/248), regs. 1(2), **2(5)**
- F61** Words in reg. 1A(5)(a) omitted (2.4.2018) by virtue of The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **3(2)(a)**
- F62** Words in reg. 1A(5)(a) inserted (2.4.2018) by The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **3(2)(b)**
- F63** Words in reg. 1A(5)(a) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 15(a)**
- F64** Words in reg. 1A(5)(b) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 15(b)**
- F65** Reg. 1A(6)(7) added (1.11.2013) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2013 (S.I. 2013/248), regs. 1(2), **2(6)**
- F66** Word in reg. 1A(6)(b) substituted (1.11.2016) by The Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016 (S.I. 2016/876), regs. 1(2), **2(3)**
- F67** Reg. 1A(8) inserted (1.11.2022) by The Social Security (Scotland) Act 2018 (Winter Heating Assistance) (Consequential Modifications) Order 2022 (S.I. 2022/1018), arts. 1(2), **2(3)**

Prescribed circumstances

[^{F68}2.—(1) The prescribed circumstances in which [^{F69}a cold weather payment may be made] are—

- [^{F70}(a) subject to paragraphs (1A), (1B) and (3) to (6)—
 - (i) there is a recorded period of cold weather at a primary [^{F71}site], or
 - (ii) there is a forecasted period of cold weather at a primary [^{F71}site], and]
- (b) [^{F72}the home of the claimant is, or by virtue of paragraph (2)^{F73} ... is treated as, situated in a postcode district in respect of which the [^{F71}site] mentioned in sub-paragraph (a)(i) or, as the case may be, (a)(ii) is the designated [^{F71}site].]
- [^{F74}(c)

[^{F75}(1A) For the purposes of paragraph (1)(a)(i), where a primary [^{F76}site] is unable to provide temperature information in respect of a particular day, the mean daily temperature on that day—

- (a) at the secondary [^{F76}site], or
- (b) where there is no secondary [^{F76}site] designated, or where the secondary [^{F76}site] is unable to provide temperature information in respect of that day, at the alternative [^{F76}site],

is to be used to determine whether or not there is a recorded period of cold weather at the primary [^{F76}site].]

[^{F77}(1B) For the purposes of paragraph (1)(a)(ii), where the Met Office is unable to produce a forecast in respect of a particular period at a primary [^{F78}site], the forecast in respect of that period produced—

- (a) at the secondary [^{F78}site], or
- (b) where there is no secondary [^{F78}site] designated, or where the secondary [^{F78}site] is unable to produce a forecast in respect of that period, at the alternative [^{F78}site],

is to be used to determine whether or not there is a forecasted period of cold weather at the primary [^{F78}site].]

[^{F79}(2) For the purposes of this regulation, where the home of the claimant is not situated within a postcode district for which a primary [^{F80}site] is designated, it is to be treated as situated within a postcode district—

- (a) which, in the opinion of the Met Office, is the most geographically and climatologically representative of that postcode district, and
- (b) for which a primary [^{F80}site] is designated.]

(3) Subject to paragraphs(4) and (5) where a recorded period of cold weather is joined by an overlap period to a forecasted period of cold weather a payment under paragraph (1) may only be made in respect of the forecasted period of cold weather

(4) Where—

- (a) there is a continuous period of forecasted periods of cold weather and recorded periods of cold weather, each of which is linked by an overlap period; and
- (b) the total number of recorded periods of cold weather during that continuous period is greater than the total number of forecasted periods of cold weather,

a payment in respect of the last recorded period of cold weather may also be made under paragraph(1).

[^{F81}(5) Where—

- (a) a claimant satisfies the conditions in regulation 1A and paragraph (1) in respect of a recorded period of cold weather, and
- (b) a payment in respect of the recorded period of cold weather does not fall to be made by virtue of paragraph (4), and
- (c) the claimant does not satisfy the conditions in regulation 1A in respect of the forecasted period of cold weather which is linked to the recorded period of cold weather by an overlap period,

a cold weather payment may be made in respect of that recorded period of cold weather.]]

[^{F82}(6) A cold weather payment may not be made after the end of the period of 26 weeks beginning with the last day of the winter period in which the period of cold weather concerned falls.]

[^{F83}(7) For the purposes of this regulation—

“alternative [^{F84}site]” means a [^{F84}site]—

- (a) which, in the opinion of the Met Office, is the most geographically and climatologically representative for the postcode district in which the home of the claimant is situated, and
- (b) is able to provide temperature information—
 - (i) for the purposes of paragraph (1A), for the relevant day, or
 - (ii) for the purposes of paragraph (1B), for the production of a forecast for the relevant period;

“primary [^{F84}site]” means a [^{F84}site] designated for a postcode district in accordance with regulation 2A(1);

“secondary [^{F84}site]” means a [^{F84}site] designated for a postcode district in accordance with regulation 2A(2).]

- F68** Reg. 2 substituted (1.11.1991) by [The Social Fund Cold Weather Payments \(General\) Amendment No.2 Regulations 1991 \(S.I. 1991/2238\)](#), regs. 1(1), **3**
- F69** Words in reg. 2(1) substituted (1.11.2010) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2010 \(S.I. 2010/2442\)](#), regs. 1(2), **2(4)(a)**
- F70** Reg. 2(1)(a) substituted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(4)(a)**
- F71** Word in reg. 2(1) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(3)**
- F72** Reg. 2(1)(b) substituted (4.11.1996) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 1996 \(S.I. 1996/2544\)](#), regs. 1(1), **4(3)**
- F73** Word in reg. 2(1)(b) omitted (1.11.2016) by virtue of [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(4)(b)**
- F74** Reg. 2(1)(c) omitted (1.11.1991) by virtue of [The Social Fund Cold Weather Payments \(General\) Amendment No. 3 Regulations 1991 \(S.I. 1991/2448\)](#), regs. 1(1), **3(b)**
- F75** Reg. 2(1A) substituted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(4)(c)**
- F76** Word in reg. 2(1A) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(3)**
- F77** Reg. 2(1B) substituted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(4)(d)**
- F78** Word in reg. 2(1B) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(3)**
- F79** Reg. 2(2) substituted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(4)(e)**
- F80** Word in reg. 2(2) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(3)**
- F81** Reg. 2(5) substituted (1.11.2010) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2010 \(S.I. 2010/2442\)](#), regs. 1(2), **2(4)(c)**
- F82** Reg. 2(6) inserted (1.11.2010) by [The Social Fund Cold Weather Payments \(General\) Amendment Regulations 2010 \(S.I. 2010/2442\)](#), regs. 1(2), **2(4)(d)**
- F83** Reg. 2(7) inserted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(4)(f)**
- F84** Word in reg. 2(7) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(3)**

[^{F85}Designation of primary and secondary [^{F86}sites]

- 2A.**—(1) The Secretary of State must designate a primary [^{F87}site] for each postcode district.
(2) The Secretary of State may designate a secondary [^{F87}site] for each postcode district.]

- F85** Regs. 2A-2C inserted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(5)**
- F86** Word in reg. 2A heading substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(4)**
- F87** Word in reg. 2A substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(5)**

[^{F85}Publication of designations

- 2B.**—(1) The Secretary of State must publish details of a designation under regulation 2A.
(2) Publication under paragraph (1) may be in such manner as the Secretary of State considers appropriate.]

- F85** Regs. 2A-2C inserted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(5)**

[^{F85}Review and variation of designations

- 2C.**—(1) The Secretary of State must, in accordance with paragraph (2), review a designation under regulation 2A to determine if it remains appropriate.
(2) Each designation must be reviewed every 12 months, in the period beginning with 1st November and ending with 31st October.
(3) If, on review, or at any other time, the Secretary of State is of the opinion that a designation is no longer appropriate, the Secretary of State must—
(a) vary the designation in such manner as the Secretary of State considers expedient, and
(b) publish details of the varied designation.
(4) Publication under paragraph (3)(b) may be in such manner as the Secretary of State considers appropriate.
(5) When determining whether to vary a designation, the Secretary of State must have regard to any recommendation made by the Met Office.
(6) For the purposes of this regulation, whether a designation is appropriate includes, in particular, whether the [^{F88}site] designated—
(a) is geographically and climatologically representative for the relevant postcode district, and
(b) provides accurate temperature information.]

- F85** Regs. 2A-2C inserted (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(5)**
- F88** Word in reg. 2C(6) substituted (9.7.2020) by [The Social Fund and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2020 \(S.I. 2020/600\)](#), regs. 1(1), **3(6)**

Changes to legislation: There are currently no known outstanding effects for the The Social Fund Cold Weather Payments (General) Regulations 1988. (See end of Document for details)

Prescribed amount

3. ^{F89}...The amount of the payment in respect of each period of cold weather shall be [^{F90}£25].

F89	Words in reg. 3 omitted (1.11.1991) by virtue of The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238) , regs. 1(1), 4
F90	Word in reg. 3 substituted (1.11.2010) by The Social Fund Cold Weather Payments (General) Amendment (No. 2) Regulations 2010 (S.I. 2010/2591) , regs. 1(2), 2
Modifications etc. (not altering text)	
C2	Reg. 3 modified (1.11.2008) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2008 (S.I. 2008/2569) , regs. 1(3), 3
C3	Reg. 3 modified (1.11.2009) by The Social Fund Cold Weather Payments (General) Amendment Regulations 2009 (S.I. 2009/2649) , regs. 1(2), 3

Effect and calculation of capital

^{F91}4.

F91	Reg. 4 omitted (1.9.1991) by virtue of The Social Fund Cold Weather Payments (General) Amendment No.2 Regulations 1991 (S.I. 1991/2238) , reg. 1(1), 5
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Signed by authority of the Secretary of State for Social Security

Department of Social Security

Nicholas Scott
Minister of State,

Changes to legislation: There are currently no known outstanding effects for the The Social Fund Cold Weather Payments (General) Regulations 1988. (See end of Document for details)

SCHEDULE 1

Regulation 2(1), (1A) and (2)

IDENTIFICATION OF STATIONS AND POSTCODE DISTRICTS

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Changes to legislation: There are currently no known outstanding effects for the The Social Fund Cold Weather Payments (General) Regulations 1988. (See end of Document for details)

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Changes to legislation: There are currently no known outstanding effects for the The Social Fund Cold Weather Payments (General) Regulations 1988. (See end of Document for details)

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Changes to legislation: There are currently no known outstanding effects for the The Social Fund Cold Weather Payments (General) Regulations 1988. (See end of Document for details)

F92 Sch. 1 revoked (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(6)**

F93SCHEDULE 2

Regulation 2(1), (1A) and (2)

SPECIFIED ALTERNATIVE STATIONS

F93 Sch. 2 revoked (1.11.2016) by [The Social Fund Cold Weather Payments \(General\) \(Amendment\) Regulations 2016 \(S.I. 2016/876\)](#), regs. 1(2), **2(6)**

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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 for each 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 under 2; and an average temperature of 0½ Celsius or less is recorded for that period at a climatological station designated for the area (regulation 2).

They prescribe an amount of £5 in respect of each period subject to a reduction in respect of any capital in excess of £500 (regulations 3 and 4).

These Regulations are made before the end of a period of 6 months from the commencement of the enactment under which they are made and are therefore exempt, under section 61(6) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.

Changes to legislation:

There are currently no known outstanding effects for the The Social Fund Cold Weather Payments (General) Regulations 1988.