

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL FUND COLD WEATHER PAYMENTS (GENERAL) AMENDMENT**  
**REGULATIONS 2010**

**2010 No. 2442**

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This instrument, following advice from the Meteorological Office makes minor technical changes to the Cold Weather Payments scheme to ensure that postcodes are linked to the most appropriate weather stations. The instrument also clarifies the provisions on qualifying benefits and restricts backdating to one winter season.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 The Cold Weather Payment scheme has operated broadly in the same way since 1991. Each year the scheme is reviewed, expert advice sought from the Meteorological Office, and where necessary changes made prior to the following winter to ensure that postcodes are linked to the most appropriate weather station.

4.2 This instrument makes changes to the Social Fund Cold Weather Payments (General) Regulations 1988 (“the 1988 Regulations”) by substituting new Schedules to the 1988 Regulations in relation to the lists of weather stations and related postcode districts in Schedule 1, and alternative weather stations in Schedule 2. It also clarifies (but does not change the substance of) the provisions on qualifying benefits; and it restricts payment to the winter season concerned but allows 26 weeks from the end of the season for a payment to be made.

**5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- *What is being done and why*

7.1 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.

7.2 Each residential postcode in the country is linked to one of the 91 weather stations used in the scheme. The Meteorological Office uses data from these weather stations to calculate a rolling seven day average temperature. DWP is then notified of "triggers" so that payments can be made to eligible customers.

7.3 Every year the 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. The Meteorological Office also consider any representations from MPs made since the previous winter about the suitability of postcode to weather station links affecting constituents.

7.4 This instrument provides for the revised postcode to weather station links and specified alternative 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 (31<sup>st</sup> March) has however been provided for, to allow time for customers to inform Jobcentre Plus if they feel they may have qualified. For example, the Department may not have been informed about the birth of a child. This strikes the right balance between giving the customer time to inform the Department of their circumstances after receiving their winter fuel bills and the administrative cost of retaining records on forecasted and actual periods of cold weather.

7.5 The rate of cold weather payments will be announced as part of the spending review.

- *Consolidation*

7.6 We are not consolidating the existing regulations but "The Law on Social Security" (The Blue Volumes) provides a consolidated version of the regulations and will incorporate the amendments made by this instrument. This publication is available free of charge on the internet at <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security> and in main libraries

## **8. Consultation outcome**

8.1 The regulations have been considered by the Social Security Advisory Committee who approved the regulations without requiring a formal referral. There has been no wider consultation since, as these regulations continue the long-standing policy of linking postcodes to weather stations, in relation to the payment of Cold Weather Payments.

## **9. Guidance**

9.1 Guidance in the form of a bulletin on the changes made by these regulations will be provided to Social Fund Decision Makers as soon as possible.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 As the changes are minor, there are no plans to monitor, but the Cold Weather Payment scheme is reviewed annually by the Meteorological Office. For the first winter a record will be maintained of the numbers who apply outside the 26 weeks because of a revised decision on Qualifying Benefits or for any other reason. This will ensure that assumptions that this is a rare occurrence are correct.

## **13. Contact**

Beverley Walsh at the Department for Work and Pensions Tel: 0113 232 7608 or email: [beverley.walsh@jobcentreplus.gsi.gov.uk](mailto:beverley.walsh@jobcentreplus.gsi.gov.uk) can answer any queries regarding the instrument.