

EXPLANATORY MEMORANDUM TO
THE SOCIAL FUND COLD WEATHER PAYMENTS (GENERAL) AMENDMENT
REGULATIONS 2012

2012 No. 2379

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This instrument corrects a defect in the Social Fund Cold Weather Payments (General) Amendment Regulations 2012.¹

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

3.1 This regulation inserts into Schedule 1, designating Rostherne as the relevant primary weather station for specified postcodes. The free issue procedure will be applied as the regulation is to correct a defective instrument.

4. **Legislative Context**

The Cold Weather Payments 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 are made prior to the start of the next winter season to ensure that postcodes are linked to the most appropriate weather station.

5. **Territorial Extent and Application**

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 financial help for vulnerable groups who are most likely to be susceptible to the cold and are in receipt of one of the following income

¹ SI 2012/2280 <http://www.legislation.gov.uk/ukxi/2012/2280/contents/made>

replacement benefits – Pension Credit, Income Support, income-based Jobseeker’s Allowance and income-related Employment and Support Allowance. Payments are to meet heating costs incurred, or likely to be incurred, during periods of cold weather. A period of cold weather means a period when the average of the mean daily temperature for a period of seven consecutive days at a given weather station is recorded as, or is forecast to be, 0 degrees Celsius or below.

7.2 Each residential postcode in Great Britain is linked to one of 92 weather stations used in the scheme. The Meteorological Office calculates rolling seven day average temperatures for each of the weather stations during the period 1 November to 31 March. It notifies the Department for Work and Pensions when a weather station records, or forecasts, an average temperature of 0 degrees Celsius over a seven day period. Following a notification from the Meteorological Office the Department makes a payment to eligible persons in the postcode areas linked to the weather station.

7.3 Every year the cold weather payments 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 considers any representations from Members of Parliament made since the previous winter about the suitability of postcode to weather station links affecting constituents.

7.4 This instrument provides for the addition of a row in the table in Schedule 1 to ensure that the Rostherne primary weather station and its specified postcodes are covered by the Regulations.

7.5 The rate of a cold weather payment remains at £25. This rate was a temporary increase (from £8.50) for winters 2008/9 and 2009/10 and made permanent for winter 2010/11 and subsequent winters for the duration of this administration.

- ***Consolidation***

7.6 Informal consolidation of this instrument will be included in due course in the Department’s “The Law relating to Social Security” (The Blue Volumes) which are available at no cost to the public in main libraries and on the internet at: <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security>).

8. Consultation outcome

These draft Regulations correct a defective instrument and represent no policy shift. In this context, no consultation was considered necessary. The draft Regulations (including the omission that these Regulations correct) have been considered by the Social Security Advisory Committee which is content with them and has not referred them for consultation.

9. Guidance

As the changes are minor, no additional guidance will be issued. Before the Regulations come into force a bulletin will be provided to Department for Work and Pensions decision makers to inform them of the changes.

10. Impact

- 10.1 The impact on business and civil society organisations is nil.
- 10.2 The impact on the public sector is negligible.
- 10.3 A full impact assessment has not been published for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

As the changes are minor there are no plans to monitor them specifically. However, the Cold Weather Payments scheme is reviewed annually by the Department for Work and Pensions in consultation with the Meteorological Office.

13. Contact

Sangeeta Punj at the Department for Work and Pensions (email: socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk or telephone 020 7449 5266) can answer any queries about this instrument.