

## SCHEDULE

Regulation 2

### HOUSEHOLD FUEL PAYMENTS SCHEME (NORTHERN IRELAND) 2009

#### Citation and interpretation

1.—(1) This Scheme may be cited as the Household Fuel Payments Scheme (Northern Ireland) 2009.

(2) In this Scheme—

“couple” means—

- (a) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household;
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

“the Department” means the Department for Social Development;

“household” means a house and its occupants regarded as a unit and “householder” shall be interpreted accordingly;

“a household fuel payment” means financial assistance provided under this Scheme;

“housing benefit” means housing benefit under the Housing Benefit Regulations (Northern Ireland) 2006<sup>(1)</sup>;

“housing loan” means a housing loan under regulations 17(1)(e) and 18(1)(f) of, and Schedule 3 to, the Income Support (General) Regulations (Northern Ireland) 1987<sup>(2)</sup>;

“income support” means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(3)</sup>;

“a nursing home” has the meaning it has for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 <sup>(4)</sup> by virtue of Article 11 of that Order;

“the qualifying week” means the week beginning with (and including) Monday 15<sup>th</sup> December 2008 and ending with Sunday 21<sup>st</sup> December 2008;

“a residential care home” has the meaning it has for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 by virtue of Article 10 of that Order;

“a Social Fund payment” means a payment under section 134 of the Social Security (Contributions and Benefits) Act 1992;

“social security information” means information held by or on behalf of the Department and obtained as a result of, or for the purpose of, the exercise of the Department’s functions in relation to social security;

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(1) [S.R. 2006 No. 405](#)

(2) [S.R. 1987 No. 459](#)

(3) [1992 c. 7](#). Section 123 was amended by Schedules 2 and 3 to the Jobseekers (Northern Ireland) Order 1995 and paragraph 2 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002.

(4) [S.I. 2003/431 \(N.I.9\)](#)

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“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002.<sup>(5)</sup>

### **Eligibility**

2.—(1) A person is not eligible for a household fuel payment unless he is a qualifying person.

(2) A person is a qualifying person for the purposes of sub- paragraph (1) if he is a householder who was in receipt of :

- (a) state pension credit (except where the recipient is resident in a nursing home or residential care home);
- (b) income support and housing benefit;
- (c) income support and a housing loan; or
- (d) income support and both housing benefit and a housing loan.

on any one day during the qualifying week.

(3) Where a qualifying person is part of a couple, the other member of that couple shall not be treated as a qualifying person.

### **Amount**

3. A household fuel payment shall consist of a single payment of £150 to a qualifying person.

### **Delayed payment**

4.—(1) A person who is eligible for a household fuel payment, and has not received it by 31st May 2009, may apply for a payment.

(2) An application under sub-paragraph (1) must—

- (a) be in writing to the Department;
- (b) be received by the Department before 30th June 2009; and
- (c) specify—
  - (i) the applicant’s name, address, date of birth and national insurance number;
  - (ii) the date on which the application is sent to the Department; and
  - (iii) the benefits that the applicant is in receipt of.

(3) If the Department is satisfied that a person making an application under sub-paragraph (1) is a qualifying person and has not already received a household fuel payment, the Department shall make that payment.

### **Payment to be disregarded for social security**

5. No account shall be taken of eligibility for a household fuel payment in considering a person’s entitlement to a Social Fund payment or a payment under either of the following social security benefits:

- (a) income support; or
- (b) state pension credit.

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(5) 2002 c.14 (N.I.)

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### **Information**

6. The Department may use social security information for the purpose of determining whether a person is eligible for a household fuel payment.

### **Provision of household fuel payments**

7. The Department shall make household fuel payments under the Scheme.