
STATUTORY INSTRUMENTS

2010 No. 2442

**The Social Fund Cold Weather Payments
(General) Amendment Regulations 2010**

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “the Act” substitute—

““the Act” means the Social Security Contributions and Benefits Act 1992;”;

(b) omit the definitions of “child” and “polygamous marriage”;

(c) for the definition of “family” substitute—

““family” has the meaning given to it in section 137 of the Act and the General Regulations(1);”;

(d) for the definition of “income support” substitute—

““income support” means income support under Part 7 of the Act;”;

(e) insert the following definitions in the appropriate places—

““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;”

““winter period” means the period beginning on 1st November in any year and ending on 31st March in the following year.”.

(3) For regulation 1A(2) (prescribed description of persons), substitute—

“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; or
- (d) an income-related employment and support allowance.

(3) The second condition (which applies only if the person (“P”) falls within paragraph (2) (b), (c) or (d)) is that, in respect of the day to which paragraph (2) relates—

- (a) P’s family includes a member aged less than 5;

(1) S.I. 1987/1967.

(2) Regulation 1A was inserted by S.I. 1991/2448.

- (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⁽³⁾;
 - (d) P’s child tax credit includes an individual element referred to in regulation 7(4)(a), (b), (d) or (e) of the Child Tax Credit Regulations 2002⁽⁴⁾; or
 - (e) where P has been awarded an employment and support allowance, P’s applicable amount includes—
 - (i) one or more of the premiums specified in paragraphs 5 to 7 of Schedule 4 to the Employment and Support Allowance Regulations 2008⁽⁵⁾, or
 - (ii) an amount under section 4(2)(b) of the Welfare Reform Act.
- (4) The third condition (which does not apply to a person who comes with 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⁽⁶⁾ (provision by the Secretary of State of accommodation in camps).
- (5) In paragraph (4) —
- (a) “care home” in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000⁽⁷⁾, and in Scotland means a care home service as defined by section 2(3) of the Regulation of Care (Scotland) Act 2001⁽⁸⁾;
 - (b) “independent hospital”—
 - (i) in England, means a hospital as defined by section 275 of the National Health Service Act 2006⁽⁹⁾ 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 section 2(5) (a) and (b) of the Regulation of Care (Scotland) Act 2001.”
- (4) In regulation 2 (prescribed circumstances)—
- (a) in paragraph (1), for “a payment may be made out of the social fund to meet expenses for heating under section 32(2A) of the Act”, substitute “a cold weather payment may be made”;
 - (b) in paragraph (1)(a), for “and (5)” substitute “, (5) and (6)”;
 - (c) for paragraph (5), substitute—

(3) S.I. 1996/207.
 (4) S.I. 2002/2007.
 (5) S.I. 2008/794.
 (6) 1947 c.19.
 (7) 2000 c.14.
 (8) 2001 asp 8.
 (9) 2006 c.41.

“(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.”;

(d) after paragraph (5), add—

“(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.”.

(5) For Schedule 1(**10**) (identification of stations and postcode districts), substitute the Schedule set out in Schedule 1 to these Regulations.

(6) For Schedule 2(**11**) (specified alternative stations), substitute the Schedule set out in Schedule 2 to these Regulations.

(10) Schedule 1 was substituted by S.I. 2009/2649. (Schedule 1 had previously been substituted by other statutory instruments the most recent being S.I. 2005/2724, 2006/2655, 2007/2912 and 2008/2569.)

(11) Schedule 2 was substituted by S.I. 2009/2649. (Schedule 2 had previously been substituted by S.I. 2003/2605, 2005/2724, 2006/2655, 2007/2912 and 2008/2569.)