

2016 No. 876

SOCIAL SECURITY

**The Social Fund Cold Weather Payments (General)
(Amendment) Regulations 2016**

<i>Made</i> - - - -	<i>6th September 2016</i>
<i>Laid before Parliament</i>	<i>13th September 2016</i>
<i>Coming into force</i> - -	<i>1st November 2016</i>

The Secretary of State for Work and Pensions makes the following Regulations, in exercise of the powers conferred by sections 138(2) and (4) and 175(1), (3) and (5) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016.

(2) They come into force on 1st November 2016.

Amendments to the Social Fund Cold Weather Payments (General) Regulations 1988

2.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988(c) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) for the definition of “the Meteorological Office” substitute—

““the Met Office” means the Met Office of the Department for Business, Energy and Industrial Strategy;”;

(b) in the definitions of “forecast” and “station”, for “Meteorological” substitute “Met”.

(3) In regulation 1A (prescribed descriptions of persons), in paragraph (6)(b), for “Meteorological” substitute “Met”.

(4) In regulation 2 (prescribed circumstances)—

(a) for paragraph (1)(a) substitute—

(a) 1992 c. 4. Section 138(4) is cited for the meaning of “prescribed”.

(b) Section 173(1)(b) of the Social Security Administration Act 1992 (c. 5) provides that proposals in respect of regulations are not required to be referred to the Social Security Advisory Committee where the Committee agrees. Proposals in respect of these Regulations would otherwise be referable to the Committee by virtue of sections 170 and 172 of that Act.

(c) S.I. 1988/1724.

“(a) subject to paragraphs (1A), (1B) and (3) to (6)—

- (i) there is a recorded period of cold weather at a primary station, or
- (ii) there is a forecasted period of cold weather at a primary station, and”;

(b) in paragraph (1)(b) after “(2)” omit “(b)”;

(c) for paragraph (1A) substitute—

“(1A) For the purposes of paragraph (1)(a)(i), where a primary station is unable to provide temperature information in respect of a particular day, the mean daily temperature on that day—

- (a) at the secondary station, or
- (b) where there is no secondary station designated, or where the secondary station is unable to provide temperature information in respect of that day, at the alternative station,

is to be used to determine whether or not there is a recorded period of cold weather at the primary station.”;

(d) for paragraph (1B) substitute—

“(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 station, the forecast in respect of that period produced—

- (a) at the secondary station, or
- (b) where there is no secondary station designated, or where the secondary station is unable to produce a forecast in respect of that period, at the alternative station,

is to be used to determine whether or not there is a forecasted period of cold weather at the primary station.”;

(e) for paragraph (2) substitute—

“(2) For the purposes of this regulation, where the home of the claimant is not situated within a postcode district for which a primary station 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 station is designated.”;

(f) after paragraph (6) insert—

“(7) For the purposes of this regulation—

“alternative station” means a station—

- (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 station” means a station designated for a postcode district in accordance with regulation 2A(1);

“secondary station” means a station designated for a postcode district in accordance with regulation 2A(2).”.

(5) After regulation 2 insert—

“Designation of primary and secondary stations

2A.—(1) The Secretary of State must designate a primary station for each postcode district.

(2) The Secretary of State may designate a secondary station for each postcode district.

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.

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 station designated—

- (a) is geographically and climatologically representative for the relevant postcode district, and
- (b) provides accurate temperature information.”.

(6) Schedules 1 and 2 are revoked.

Signed by authority of the Secretary of State for Work and Pensions

Caroline Nokes
Parliamentary Under Secretary of State,
Department for Work and Pensions

6th September 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Cold Weather Payments (General) Regulations 1988 (S.I. 1988/1724) (“the 1988 Regulations”) by removing the Schedules to the 1988 Regulations which contain weather stations and relevant postcode districts and providing that the Secretary of State must designate primary stations for each postcode district, may designate secondary stations for each postcode district, and must publish details of those designations.

Regulation 2 sets out amendments to the 1988 Regulations.

Paragraph (2)(a) substitutes a new definition of “Met Office” for the definition of “Meteorological Office” in regulation 1(2) of the 1988 Regulations. Paragraph (2)(b) and (3) make consequential changes to the 1988 Regulations.

Paragraph (4) amends regulation 2 of the 1988 Regulations by making provision for a secondary station or an alternative station to be used in certain circumstances to determine whether there is a forecasted or recorded period of cold weather at the relevant primary station. The Met Office will determine alternative stations for primary stations in certain circumstances. Where the home of a claimant is not situated within a postcode district for which a primary station is designated, the home is to be treated as if it were situated within such a postcode district; the Met Office will choose the postcode district (for which a primary station is designated) that is the most geographically and climatologically representative of the postcode district in which the home of the claimant is situated.

Paragraph (5) makes provision about the designation of primary and secondary stations, the publication of those designations, and the review and variation of designations.

Paragraph (6) revokes Schedules 1 and 2 to the 1988 Regulations.

The Postcode Atlas of Great Britain and Northern Ireland and the postcode maps may be obtained from Harper Collins, United Kingdom, 2012, ISBN 0007443072. A person may establish the current postcode for his or her address by contacting the Royal Mail Postcode Enquiries office (telephone 0906 302 1222 (Monday to Friday, 8am – 4pm) or 08457 111 222 (Monday – Friday, 4pm – 6pm and Saturday, 8am – 1pm)) or through the Royal Mail Website at www.royalmail.com.

A full impact assessment has not been published for this instrument as no impact on the private sector or civil society organisations is foreseen.

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