

2008 No. 2569

SOCIAL SECURITY

The Social Fund Cold Weather Payments (General) Amendment Regulations 2008

Made - - - - 2nd October 2008
Laid before Parliament 6th October 2008
Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 138(2) and (4) and 175(1), (3) and (4) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Cold Weather Payments (General) Amendment Regulations 2008.

(2) This regulation and regulation 2(1) and (3) come into force on 27th October 2008, immediately after the Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008(c) come into force.

(3) The other provisions of these Regulations come into force on 1st November 2008.

(4) In these Regulations “the principal Regulations” means the Social Fund Cold Weather Payments (General) Regulations 1988(d).

[Regulation 2 amends regulation 1 and Sch.1 & 2 of S.I. 1988/1724.]

[Regulation 3 amends regulation 3 of S.I. 1988/1724.]

(a) 1992 c. 4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”. Amendments not relevant to these Regulations have been made to section 175(1) and (4).

(b) See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5). Amendments not relevant to these Regulations have been made to section 170.

(c) S.I. 2008/1554.

(d) S.I. 1988/1724.

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:

- replacing an out-of-date reference to the Department of Social Security;
- correcting two errors made by the Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554); and
- substituting new Schedules to the 1988 Regulations in relation to the lists of weather stations and applicable postcode districts in Schedule 1, and alternative weather stations in Schedule 2.

They also provide for an increased rate of payment for winter 2008/9.

Regulation 2 amends the 1988 Regulations.

In the definition of “forecast” in regulation 1(2) the reference to the Department of Social Security is changed to the Department for Work and Pensions.

In regulation 1A(1)(id) (which was inserted by the Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008) the cross-reference to premiums in Schedule 4 to the Employment and Support Allowance Regulations 2008 is corrected as the reference to “paragraphs 5 to 8” should have read “paragraphs 5 to 7”. (The relevant premiums are pensioner, severe disability and enhanced disability premiums.)

In regulation 1A(2) references to paragraphs (1)(id) and (ie) are added as recipients of Employment and Support Allowance who are resident in care homes, independent hospitals and other similar establishments are not eligible for cold weather payments.

Schedule 1 to the 1988 Regulations specifies primary weather stations which are relevant to determining whether there is a recorded, or forecasted, period of cold weather. Schedule 2 to the 1988 Regulations specifies alternative stations used to determine this information where the primary station is unable to do so (where there is no specified alternative station for the relevant primary station, the nearest primary station able to provide this information is used).

Regulation 2(4) replaces Schedule 1 to the 1988 Regulations with Schedule 1 to these Regulations. The new Schedule largely re-enacts the list contained in the former Schedule 1, but it assigns postcodes from Great Malvern weather station (which is closing) to a new weather station (Hereford-Credenhill). The postcodes for Fylingdales weather station (which may be closing) have been assigned to an existing weather station (Loftus) and to a new weather station (Leconfield). Some of the postcodes currently linked to Waddington have also been assigned to the new Leconfield station.

Regulation 2(5) replaces Schedule 2 to the 1988 Regulations with Schedule 2 to these Regulations. The new Schedule largely re-enacts the list contained in the former Schedule 2. It omits Fylingdales, which is not being used, and includes Pershore which is a non-primary station as the specified alternative station for Coleshill and Hereford-Credenhill. It also includes the specified alternative stations for Leconfield and Loftus (Loftus and Leconfield respectively) as they are not the closest primary stations.

Regulation 3 provides that for winter 2008/09 a cold weather payment will be £25 instead of £8.50.

The Postcode Atlas of Great Britain and Northern Ireland and the postcode maps may be obtained from their publishers. A person may establish the current postcode for his or her address by contacting the Royal Mail Postcode Enquiries Office (telephone 08457 111222) or through the Royal Mail website at www.royalmail.com.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.