

2012 No. 141

FINANCIAL ASSISTANCE

The Fuel Payments Scheme (Patients Receiving Treatment for Cancer) Regulations (Northern Ireland) 2012

Made - - - - *20th March 2012*

Coming into operation - *16th April 2012*

The Department for Social Development and the Department of Health, Social Services and Public Safety, with the approval of the Office of the First Minister and deputy First Minister, make the following Regulations in exercise of the powers conferred by sections 1(2) and 3 of the Financial Assistance Act (Northern Ireland) 2009(a).

The Department for Social Development and the Department of Health, Social Services and Public Safety have been designated as relevant departments under section 1(3)(a) of that Act.

Citation and commencement

1. These Regulations may be cited as the Fuel Payments Scheme (Patients Receiving Treatment for Cancer) Regulations (Northern Ireland) 2012 and shall come into operation on 16th April 2012.

Fuel Payments Scheme (Patients Receiving Treatment for Cancer) Regulations (Northern Ireland) 2012

2. The Department for Social Development and the Department of Health, Social Services and Public Safety make the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department for Social Development on 20th March 2012

(L.S.)

Heather Cousins
A senior officer of the
Department for Social Development

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 20th March 2012

(L.S.)

Christine Jendoubi
A senior officer of the
Department of Health, Social Services and Public Safety

The Office of the First Minister and deputy First Minister approves the Regulations
Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 20th
March 2012

(L.S.)

Henry Johnston
A senior officer of the
Office of the First Minister and deputy First Minister

SCHEDULE

Regulation 2

FUEL PAYMENTS SCHEME (PATIENTS RECEIVING TREATMENT FOR CANCER) (NORTHERN IRELAND) 2012

Citation and Interpretation

1.—(1) This Scheme may be cited as the Fuel Payments Scheme (Patients Receiving Treatment for Cancer) (Northern Ireland) 2012

(2) In this Scheme—

“the Department” means the Department of Health, Social Services and Public Safety;

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

“chemotherapy” means treatment with the cytotoxic drugs listed in the British National Formulary, Chapter 8.1, interferon, protein kinase inhibitors or monoclonal antibodies;

“general medical practitioner” means a general medical practitioner whose name is included on a primary medical services performers list prepared pursuant to regulation 4 of the Health and Personal Social Services (Primary Medical Services Performers List) Regulations (Northern Ireland) 2004(a);

“Health and Social Care number” means the unique identification number allocated to each person in Northern Ireland under which their health records are stored electronically;

“income support” means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b);

“inpatient surgery” means a surgical procedure which has a curative or palliative purpose, requiring an overnight stay in hospital;

“palliative care” means the active holistic care of patients with advanced progressive illness including the management of pain and other symptoms and provision of psychological, social and spiritual support;

“the qualifying week” means the week beginning with (and including) Monday 12th December 2011 and ending with Sunday 18th December 2011;

“radiotherapy” means the treatment of cancer with ionizing radiation;

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

“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002(c).

Eligibility

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

(2) A person is a qualifying person for the purposes of sub-paragraph (1) if he:

- (a) has received inpatient surgery, radiotherapy, chemotherapy or palliative care for cancer within the qualifying week or the previous six months; or
- (b) is a person for whom a decision has been made during the qualifying week or the previous six weeks to provide inpatient surgery, radiotherapy, chemotherapy or palliative care for cancer.

(a) S.R 2004 No.149 to which there are amendments not relevant to this Scheme

(b) 1992 c.7

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

(3) For the purposes of paragraph 2(a) the “previous six months” means the period from (and including) Monday 13th June 2011 to Sunday 11th December 2011

(4) For the purposes of paragraph 2(b) the “previous six weeks” means the period from (and including) Monday 31st October 2011 to Sunday 11th December 2011.

Amount

3. A fuel payment shall consist of a single payment of £100 to a qualifying person.

Delayed Payment

4.—(1) A person who is eligible for a fuel payment and has not received it by 29th June 2012 may apply for a payment.

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

- (a) be made in writing to the applicant’s general medical practitioner;
- (b) be received by the general medical practitioner before 27th July 2012; and
- (c) include—
 - (i) the applicant’s name, address, date of birth and Health and Social Care number;
 - (ii) the date on which the application is sent to the general medical practitioner; and
- (d) consent that information held may be used for the purpose of making a payment to them.

(3) A general medical practitioner shall send an application under sub-paragraph (1) to the Department together with confirmation of whether or not the applicant is a qualifying person within one month of receiving the application.

(4) 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 fuel payment under this Scheme, the Department shall make that payment.

Payment to be disregarded for social security

5. No account shall be taken of eligibility for a fuel payment under this Scheme 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.

Provision of fuel payments

6. The Department shall make fuel payments under the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for payments (“fuel payments”) to be made to qualifying persons under the Fuel Payments Scheme (Patients Receiving Treatment for Cancer) (Northern Ireland) 2012 (“the Scheme”).

The Scheme is set out in the Schedule to the Regulations.

Paragraph 2 of the Scheme provides that to be eligible for a fuel payment, a person must be a “qualifying person” i.e. a person who received inpatient surgery, radiotherapy, chemotherapy or palliative care for cancer, during the qualifying week (week commencing 12th December 2011) or the previous six months; or is a person for whom a decision is made during the qualifying week or the previous six weeks, to provide treatment for cancer in the form of surgery, radiotherapy, chemotherapy or palliative care.

Paragraph 3 of the Scheme provides that a fuel payment is a single payment of £100.

Paragraph 4 of the Scheme provides that persons who are eligible for a fuel payment but do not receive it before 29th June 2012 may apply to the general medical practitioner with whom they are registered by 27th July 2012 for the payment. A general medical practitioner must send such an application, together with confirmation that the applicant is a qualifying person, to the Department of Health, Social Services and Public Safety, within one month of receiving the application. If the Department of Health, Social Services and Public Safety is satisfied that the applicant is a qualifying person and has not already received a fuel payment, it shall make the fuel payment.

Paragraph 5 of the Scheme provides that no account shall be taken of eligibility for a fuel payment under this Scheme when considering a person’s entitlement to a Social Fund payment, income support and state pension credit.

Paragraph 6 provides that the Department of Health, Social Services and Public Safety shall make fuel payments.

A regulatory impact assessment has not been produced for the Regulations as they have no impact on the costs of business.

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