

2017 No. 55

SOCIAL SECURITY

**The Social Fund (Amendment) Regulations (Northern Ireland)
2017**

Made - - - - - *15th March 2017*

Coming into operation - - - - - *6th April 2017*

The Department for Communities makes the following Regulations, in exercise of the powers conferred by sections 134(1)(a) and (2) and 171(1), (3), and (5) of the Social Security Contributions and Benefits Act (Northern Ireland) 1992(a), and now vested in it(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Fund (Amendment) Regulations (Northern Ireland) 2017.

(2) These Regulations come into operation on 6th April 2017.

Amendment of the Social Fund (Cold Weather Payments) (General) Regulations

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

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

(a) before the definition of “claimant” insert—

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

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

(3) In regulation 1A(d) (prescribed descriptions of persons) for paragraph (3)(d) substitute—

“(d) P’s child tax credit includes a disability element within the meaning of section 9(3) of the Tax Credits Act 2002;”;

(4) In regulation 2 (prescribed circumstances)—

(a) for paragraph (1)(a)(e) substitute—

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

(i) there is a recorded period of cold weather at a primary station, or

(a) 1992 c. 7; section 134(1) was substituted by article 66(1) of the Social Security (Northern Ireland) Order 1998 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(b) See Article 8(b) of SR 1999 No. 481 and Section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(c) S.R. 1988 No. 368

(d) Regulation 1A was substituted by Regulation 2(3) of S.R. 2010 No. 344

(e) Paragraph (1)(a) was amended by Regulation 3(d) of S.R. 1992 No. 470, Regulation 4(2) of S.R. 1996 No. 488, Regulation 2(2) of S.R. 1997 No. 437, Regulation 3(a) of S.R. 2005 No. 447 and Regulation 2(4) of S.R. 2010 No. 344

- (ii) there is a forecasted period of cold weather at a primary station, and”;
 - (b) in paragraph (1)(b)(a) after “(2)” omit “(b)”;
 - (c) for paragraph (1A) substitute—
 - “(1A) For the purposes of paragraph (1)(a)(i), where the 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 day, 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)(b) 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—

(a) Paragraph (1)(b) was amended by Regulation 4(3) of S.R. 1996 No. 488 and Regulation 3(b) of S.R. 2005 No. 447
 (b) Paragraph (6) was amended by Regulation 2(4) of S.R. 2010 No. 344

“Designation of primary and secondary stations

- 2A.**—(1) The Department must designate a primary station for each postcode district.
(2) The Department may designate a secondary station for each postcode district.

Publication of designations

- 2B.**—(1) The Department must publish details of a designation under regulation 2A.
(2) Publication under paragraph (1) may be in such a manner as the Department considers appropriate.

Review and variation of designations

2C.—(1) The Department 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 Department is of the opinion that a designation is no longer appropriate, it must—

- (a) vary the designation in such manner as it considers expedient, and
- (b) publish details of the varied designation.

(4) Publication under paragraph (3)(b) may be in such manner as the Department considers appropriate.

(5) When determining whether to vary a destination, the Department 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) The Schedule to the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 2016 is revoked.

Revocations

3. The provisions specified in Column (1) of the Schedule are revoked to the extent specified in Column (3).

Amendments to the Social Fund Maternity and Funeral Expenses (General) Regulations

4.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005^(a) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “family element”.

(3) In regulations 5(2)(e) (entitlement)^(b), 6(1)(b)(ii) (persons affected by a trade dispute) and 7(4)(a)(v) (funeral payments: entitlement)^(c), for a “payable at a rate higher than the family element” substitute “which includes an individual element or a disability element referred to in section 9(3) of the Tax Credits Act 2002”.

(a) S.R. 2005 No. 506

(b) Regulation 5 substituted by Regulation 2(5) of S.R. 2010 No. 378

(c) Regulation 7(4) was amended by Regulation 34(4) of S.R. 2008 No. 286

(L.S.)

Maeve Walls

A senior officer of the Department for Communities

SCHEDULE Revocations

Regulation 3

<i>Column (1) Citation</i>	<i>Column (2) Reference</i>	<i>Column (3) Extent of revocation</i>
The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 1992	S.R. 1992 No. 470	Regulation 3(d)
The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 1997	S.R. 1997 No. 437	Regulation 2(2)(a) and (b)
The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2005	S.R. 2005 No. 447	Regulation 3
The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2010	S.R. 2010 No. 344	Regulation 2(4)(b)
The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2011	S.R. 2011 No. 383	Regulation 2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 (S.R. 1988 No. 368) (“the 1988 Regulations”) and the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 506) (“the 2005 Regulations”) to take account of the changes made by the Welfare Reform and Work Act 2016 (c. 7) to child tax credit legislation set out in the Tax Credit Act 2002 (c. 21).

These Regulations also amend the 1988 Regulations by removing the Schedule which contains weather stations and relevant postcode districts and providing that the Department 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) makes consequential changes to the 1988 Regulations.

Paragraph (3)(a) substitutes regulation 1A(3)(d) of the 1988 Regulations to provide that where a person is in receipt of a specified benefit and has been awarded child tax credit, that person will only qualify for a cold weather payment by virtue of that child tax credit where the child tax credit contains a disability element.

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 Schedule 1 to the 1988 Regulations.

Regulation 3 makes consequential revocations to the 1988 Regulations.

Regulation 4 makes consequential amendments to the 2005 Regulations to ensure that, provided other specified conditions are also met, a claimant will be entitled to a Sure Start Maternity Grant or a funeral payment where the claimant (or the claimant's partner) has been awarded child tax credit which includes an individual element or a disability element.

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 Royal Mail Postcode Enquiries office (telephone 0906 302 1222 (Monday to Friday, 8am – 4pm) or 05457 111 222 (Monday to 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 statutory rule as no impact on the private sector or civil society organisations is foreseen.

© Crown copyright 2017

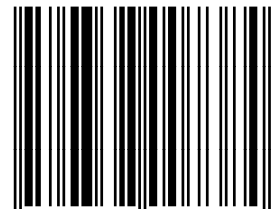
Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.25

NI2017031520 03/2017 19585

<http://www.legislation.gov.uk/id/nisr/2017/55>

ISBN 978-0-33-800738-4



9 780338 007384