STATUTORY INSTRUMENTS

2016 No. 876

SOCIAL SECURITY

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

Made - - - -	*6th September 2016*
Laid before Parliament	*13th September 2016*
Coming into force - -	*1st November 2016*

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(**1**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**2**).

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(**3**) 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".

(**1**) 1992 c. 4. Section 138(4) is cited for the meaning of "prescribed".

(**2**) 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.

(**3**) S.I. 1988/1724.

(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) 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