STATUTORY RULES OF NORTHERN IRELAND

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(**1**), and now vested in it(**2**).

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(**3**) 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(**4**) (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)—

(**1**) 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)
(**2**) See Article 8(b) of SR 1999 No. 481 and Section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**3**) S.R. 1988 No. 368
(**4**) Regulation 1A was substituted by Regulation 2(3) of S.R. 2010 No. 344

(a) for paragraph (1)(a)(**5**) 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)(**6**) 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)(**7**) 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

(**5**) 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

(**6**) 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

(**7**) Paragraph (6) was amended by Regulation 2(4) of S.R. 2010 No. 344

(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 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) 1988 is revoked.

Revocations

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