STATUTORY RULES OF NORTHERN IRELAND

2000 No. 91

SOCIAL SECURITY

The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000

Made - - - -	*15th March 2000*
Coming into operation	*3rd April 2000*

The Department for Social Development, in exercise of the powers conferred by sections 134(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(*a*) and (*j*) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 16(1) and 74(1) and (3) and paragraph 3 of Schedule 4 to the Social Security (Northern Ireland) Order 1998(**3**), and now vested in it(**4**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 and shall come into operation on 3rd April 2000.

(2) In these Regulations—

"free in-patient treatment" shall be construed in accordance with regulation 2(2) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**5**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**6**);

"qualifying week" means in respect of any year the week beginning on and including the third Monday in the September of that year;

"nursing home" has the meaning it bears in regulation 19(2) of the Income Support Regulations (persons in homes for persons in need and nursing homes);

"partner" means a member of—

(**1**) 1992 c. 7
(**2**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I.1999/671)
(**3**) S.I. 1998 No. 1506 (N.I. 10)
(**4**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(**5**) S.R. 1975 No. 109; regulation 2(2) was amended by regulation 2 of S.R. 1992 No. 453
(**6**) S.R. 1987 No. 459

(a) a married or unmarried couple, or

(b) a polygamous marriage;

"residential accommodation" has the meaning it bears in regulation 21(3) of the Income Support Regulations(**7**) (special cases);

"residential care home" has the meaning it bears in regulation 19(2) of the Income Support Regulations(**8**).

(3) In these Regulations a person—

(a) is in residential care if, disregarding any period of temporary absence, he lives in—

(i) a residential care home;

(ii) a nursing home, or

(iii) residential accommodation,

throughout the qualifying week and the period of 12 weeks immediately before the qualifying week;

(b) lives with another person if—

(i) disregarding any period of temporary absence, they share accommodation as their mutual home, and

(ii) they are not in residential care.

(4) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Social fund winter fuel payments

2. Subject to regulation 3, the Department shall pay to a person who—

(a) in respect of any day falling within the qualifying week is ordinarily resident in Northern Ireland, and

(b) has attained the age of 60 in or before the qualifying week,

a winter fuel payment of—

(i) £100 unless he is in residential care or head (ii)(*aa*) applies, or

(ii) £50 if income support or an income-based jobseeker's allowance has not been, nor falls to be, paid to him in respect of the qualifying week and he is—

(aa) in that week living with a person to whom a payment under these Regulations has been, or falls to be, made in respect of the winter following the qualifying week, or

(bb) in residential care.

Persons not entitled to a social fund winter fuel payment

3.—(1) Regulation 2 shall not apply in respect of a person who—

(a) is in the qualifying week—

(**7**) The definition of "residential accommodation" was substituted by paragraph 1(4)(*a*) of Schedule 1 to S.R. 1993 No. 149

(**8**) The definition of "residential care home" was inserted by paragraph 1(3)(*a*) of Schedule 1 to S.R. 1993 No. 149 and amended by regulation 4(9)(*d*) of S.R. 1993 No. 373 and paragraph 1(*e*) of Schedule 12 to S.R. 1994 No. 65

(**9**) 1954 c. 33 (N.I.)