1991 No. 464

SOCIAL SECURITY

The Social Fund (Cold Weather Payments) (General) (Amendment No. 2) Regulations (Northern Ireland) 1991

Made	*17th October 1991*
Coming into operation . .	*1st November 1991*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(2A) of the Social Security (Northern Ireland) Order 1986(**a**) 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 (Cold Weather Payments) (General) (Amendment No. 2) Regulations (Northern Ireland) 1991 and shall come into operation on 1st November 1991.

(2) In these regulations "the principal regulations" means the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(**b**).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—

(*a*) for the definition of "claimant" there shall be substituted the following definition—

" "claimant" means a person who is claiming or has claimed income support;";

(*b*) after the definition of "family" there shall be inserted the following definitions—

" "forecast" means a weather forecast produced by the Meteorological Office and supplied to the Department on a daily basis which provides the expected average mean daily temperature for a period of 7 consecutive days;

"forecasted period of cold weather" means a period of 7 consecutive days, during which the average of the mean daily temperature for that period is forecasted to be equal to or below

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(**a**) S.I. 1986/1888 (N.I. 18); Article 33(2A) was inserted by paragraph 1 of Schedule 3 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the powers conferred by Article 33(2A); the said section 155(3A) was inserted by Article 63(1)

(**b**) S.R. 1988 No. 368; amended by S.R. 1988 No. 393, S.R. 1989 No. 494, 1990 No. 132 and 1991 No. 48

0 degrees Celsius; and for the purposes of this definition where a day forms part of a forecasted period of cold weather it shall not form part of any other such forecasted period;'';

(*c*) after the definition of ''mean daily temperature'' there shall be inserted the following definition—

'' ''overlap period'' means any period of a day or days, where a day forms part of a recorded period of cold weather and also forms part of a forecasted period of cold weather;'';

(*d*) the definition of ''period of cold weather'' shall be omitted;

(*e*) after the definition of ''polygamous marriage'' there shall be inserted the following definitions—

'' ''Post Office postcode area'' has the meaning given to it in Schedule 2;

''recorded period of cold weather'' means a period of 7 consecutive days, during which the average of the mean daily temperature recorded for that period was equal to or below 0 degrees Celsius; and for the purposes of this definition where a day forms part of a recorded period of cold weather it shall not form part of any other such recorded period;

''sector'' means the area identified by the number which commences the second part of a Post Office postcode;''.

Substitution of regulation 2 of the principal regulations

3. For regulation 2 of the principal regulations (prescribed circumstances) there shall be substituted the following regulation—

''*Prescribed circumstances*

2.—(1) The prescribed circumstances in which a payment may be made out of the social fund to meet expenses for heating under Article 33(2A) of the Order are—

(*a*) subject to paragraphs (3), (4) and (5)—

(i) there is a recorded period of cold weather at a station described in column (1) of Schedule 1 or, if that station is unable to provide temperature information for the period in question, the nearest such station to that station able to provide temperature information for that period; or

(ii) there is a forecasted period of cold weather at a station described in column (1) of Schedule 1;

(*b*) the home of the claimant is, or by virtue of paragraph (2)(*b*) is treated as, situated within a Post Office postcode area in respect of which the first mentioned station in sub-paragraph (*a*)(i) or the station mentioned in sub-paragraph (*a*)(ii), as the case may be, is the designated station; and

(*c*) the claimant has been awarded income support in respect of at least one day during the recorded or the forecasted period of cold weather and either—

(i) the claimant's applicable amount includes one or more of the premiums specified in paragraphs 9 to 14 of Part III of Schedule 2 to the General Regulations(**a**); or

(ii) a member of the claimant's family is aged less than 5.

(2) For the purposes of this regulation—

(*a*) the station described in column (1) of Schedule 1 is the designated station for the Post Office postcode areas described in the corresponding paragraph in column (2) of that Schedule;

(*b*) where the home of the claimant is not situated within a Post Office postcode area described in column (2) of that Schedule, it shall be treated as situated within the Post Office postcode area nearest to it described in that column.

(3) Subject to paragraphs (4) and (5), where a recorded period of cold weather is joined by an overlap period to a forecasted period of cold weather a payment under paragraph (1) may only be made in respect of the forecasted period of cold weather.

(4) Where—

(*a*) there is a continuous period of forecasted periods of cold weather and recorded periods of cold weather, each of which is linked by an overlap period; and

(*b*) the total number of recorded periods of cold weather during that continuous period is greater than the total number of forecasted periods of cold weather,

a payment in respect of the last recorded period of cold weather may also be made under paragraph (1).

(5) Where—

(*a*) a claimant satisfies the prescribed circumstances for a payment under paragraph (1) in respect of a recorded period of cold weather;

(*b*) a payment in respect of the recorded period of cold weather does not fall to be made by virtue of paragraph (4); and

(*c*) the claimant does not satisfy the prescribed circumstances in paragraph (1)(*c*) in respect of the forecasted period of cold weather which is linked to the recorded period of cold weather by an overlap period,

a payment in respect of that recorded period of cold weather may also be made under paragraph (1).''.

Amendment of regulation 3 of the principal regulations

4. In regulation 3 of the principal regulations (prescribed amount) ''Subject to regulation 4,'' shall be omitted.

(**a**) S.R. 1987 No. 459; amended by S.R. 1988 Nos. 146 and 431, S.R. 1989 Nos. 139 and 395 and S.R. 1990 No. 387