1990 No. 132

SOCIAL SECURITY

The Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 1990

Made . . . . . 28th March 1990

Coming into operation . . 9th April 1990

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 33(2)(*a*) and (2A) and 35(1)(*a*) and (3) 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 1990 and shall come into operation on 9th April 1990.

(2) In these regulations—

"the Application for Review Regulations" means the Social Fund (Application for Review) Regulations (Northern Ireland) 1988(**b**);

"the Cold Weather Payments Regulations" means the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(**c**);

"the Maternity and Funeral Expenses Regulations" means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(**d**).

Amendment of the Application for Review Regulations

2. In regulation 2 of the Application for Review Regulations (manner of making application for review or further review and time limits) for paragraph (6) there shall be substituted the following paragraph—

"(6) Where an application is to be made on behalf of a person to whom the determination relates, that person shall signify in writing his consent to the application being made on his behalf unless the person

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(a) S.I. 1986/1888 (N.I. 18); Article 33(2)(*a*) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8)). 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of Schedule 3 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and Article 35(1)(*a*) was repealed in part by Schedule 5 to the Social Security (Northern Ireland) Order 1988. 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 regulation-making powers conferred by this Order; the said section 155(3A) was inserted by Article 63(1)

(b) S.R. 1988 No. 20

(c) S.R. 1988 No. 368; relevant amending regulations are S.R. 1988 No. 393 and S.R. 1989 No. 494

(d) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 No. 22 and S.R. 1989 No. 71

making the application is a person appointed by the Department under regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**a**) (persons unable to act) to act on behalf of the person to whom the determination relates.".

Amendment of the Cold Weather Payments Regulations

3.—(1) The Cold Weather Payments Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1—

(*a*) in paragraph (2) (interpretation) in the appropriate places in alphabetical order there shall be inserted the following definitions—

" "married couple" means a man and a woman who are married to each other and are members of the same household;

"partner" means one of a married or unmarried couple or a member of a polygamous relationship;

"unmarried couple" means a man and a woman who are not married to each other but are living together as husband and wife.".

(*b*) after paragraph (2) there shall be added the following paragraph—

"(3) For the purposes of these regulations, a person shall be treated as a member of a polygamous relationship where, but for the fact that the relationship includes more than 2 persons, he would be one of a married or unmarried couple.".

(3) In regulation 4 (effect and calculation of capital) for paragraph (1) there shall be substituted the following paragraph—

"(1) Where—

(*a*) the claimant or his partner is aged 60 or over and the claimant has capital which is in excess of £1,000; or

(*b*) the claimant is, or if he has a partner both he and his partner are, aged under 60 and the claimant has capital which is in excess of £500,

a payment in respect of a period of cold weather which, but for this regulation, would be payable shall be payable only if, and to the extent that, the amount of the payment is more than the excess.".

Amendment of the Maternity and Funeral Expenses Regulations

4.—(1) The Maternity and Funeral Expenses Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) in the definition of "child" at the end there shall be added "or a young person within the meaning of regulation 14 of the Income Support (General) Regulations (Northern Ireland) 1987(**b**)".

(**a**) S.R. 1987 No. 465

(**b**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1990 No. 131