1989 No. 494

SOCIAL SECURITY

The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 1989

Made . . . . . *19th December 1989*

Coming into operation . . *1st January 1990*

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) Regulations (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

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

Substitution of regulation 4 of the principal regulations

2. For regulation 4 of the principal regulations (effect and calculation of capital) there shall be substituted the following regulation—

"**4.**—(1) Where a claimant is aged—

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

(*b*) under 60 and 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.

(2) For the purposes of paragraph (1)—

(*a*) any capital possessed by any person whose capital is, for the purposes of entitlement to income support, treated as that of the claimant by virtue of Article 23(5) of the Order (calculation) or the provisions of regulation 23(3) of the General Regulations (calculation of income and capital of members of claimant's family and of a polygamous marriage) shall be treated as that of the claimant; and

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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, to which there are amendments not relevant to these regulations