1988 No. 368

SOCIAL SECURITY

The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988

Made	*14th October 1988*
Coming into operation . .	*7th November 1988*

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) Regulations (Northern Ireland) 1988 and shall come into operation on 7th November 1988.

(2) In these regulations—

"the Order" means the Social Security (Northern Ireland) Order 1986;

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

"claimant" means a person claiming a payment out of the social fund under Article 33(2A) of the Order to meet expenses for heating;

"family" has the meaning assigned to it by Article 21(11) of the Order and for the purposes of these regulations includes persons who are members of a polygamous marriage;

"home" means the dwelling, together with any garage, garden and outbuildings normally occupied by the claimant as his home, including any premises not so occupied which it is impracticable or unreasonable to sell separately;

"income support" means income support under Part III of the Order and includes transitional addition, personal expenses addition and special transitional addition as defined in the Income Support (Transitional) Regulations (Northern Ireland) 1987(**c**);

"mean daily temperature" means, in respect of a day, the average of the maximum temperature and minimum temperature recorded at a station for that day;

(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. 1987 No. 459; as amended by S.R. 1988 Nos. 146, 193, 205, 274 and 318

(c) S.R. 1987 No. 460; as amended by S.R. 1988 Nos. 132 and 153

"period of cold weather" means a period of 7 days beginning on a Monday and ending on the following Sunday during which the average of the mean daily temperature for that period is equal to or below 0 degrees Celsius;

"polygamous marriage" means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

"station" means a National Climatological Message Station.

Prescribed circumstances

2.—(1) Subject to regulation 4, 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*) a period of cold weather is recorded at a station described in column 1 of the Schedule 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;

(*b*) the home of the claimant is, or by virtue of paragraph (2)(*b*) is treated as, situated in a social security office area in respect of which the first-mentioned station in sub-paragraph (*a*) is the designated station;

(*c*) the claimant has been awarded income support in respect of at least one day during such 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, or

(ii) a member of the claimant's family is aged less than 2.

(2) For the purposes of this regulation—

(*a*) the station described in column 1 of the Schedule is the designated station for the social security office areas specified in the corresponding paragraph in column 2 thereof and which are described in the publication entitled "Supplementary Benefit Board and Lodging Areas in Northern Ireland" published by Her Majesty's Stationery Office in 1986(**a**);

(*b*) where the home of the claimant is not included in the description of social security office areas in the said publication it shall be treated as being situated within the social security office area nearest to it.

Prescribed amount

3. Subject to regulation 4, the amount of the payment in respect of each period of cold weather shall be £5.

(a) International standard book number ISBN 0 337 07369 4