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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 276**

**SOCIAL SECURITY**

**The Social Fund Winter Fuel Payment  
(Amendment) Regulations (Northern Ireland) 1998**

*Made* - - - - *10th August 1998*

*Coming into operation* *20th November 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 134(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and sections 5(1)(j), 57(1) and (2)(c) and 165(1) and (3) to (5) of, and paragraph 4 of Schedule 3 to, the Social Security Administration (Northern Ireland) Act 1992(2) 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 (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 20th November 1998.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Assembly.

**Amendment of the Social Fund Winter Fuel Payment Regulations**

2.—(1) For the purpose of determining whether a person shall be entitled to a winter fuel payment for the winter of 1998 to 1999, the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 1998(4) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation)—

- (a) the definition of “constant attendance allowance” shall be omitted;
- (b) for the definition of “industrial death benefit” there shall be substituted the following definition—

““industrial injuries benefit” means a benefit of that name to which Part V of the Contributions and Benefits Act refers”;

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(1) 1992 c. 7  
(2) 1992 c. 8  
(3) 1954 c. 33 (N.I.)  
(4) S.R. 1998 No. 3

- (c) in the definition of “the qualifying week” for “5th January 1998” there shall be substituted “9th November 1998”;
- (d) after the definition of “winter fuel payment” there shall be inserted the following definition—
  - ““workmen’s compensation and industrial diseases benefit” means the payments and allowances to which section 111 of, and Schedule 8 to, the Contributions and Benefits Act refer.”.
- (3) In regulation 2(6) (prescribed description of persons)—
  - (a) in sub-paragraph (a) “constant attendance allowance,” shall be omitted, for “industrial death benefit” there shall be substituted “industrial injuries benefit”, and for “or severe disablement allowance” there shall be substituted “, severe disablement allowance or workmen’s compensation and industrial diseases benefit”;
  - (b) sub-paragraph (e) shall be omitted.
- (4) In regulation 2(7) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
  - “(bb) persons to whom regulation 12B(10) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992<sup>(5)</sup> (persons in receipt of the mobility component of disability living allowance while undergoing medical or other treatment in a hospital or other institution) refers and who have been receiving free hospital in-patient treatment for more than 52 weeks;”.
- (5) In regulation 3 (prescribed amount)—
  - (a) in paragraph (1)(b)(ii) for “of no fixed abode” there shall be substituted “without accommodation”;
  - (b) in paragraph (4) after “in respect of” there shall be inserted “any day in”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

10th August 1998.

*Leslie Frew*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 1998 to provide that the qualifying week for entitlement to a winter fuel payment for the winter of 1998 to 1999 shall be the week beginning 9th November 1998. They also amend the categories of persons who are entitled to a winter fuel payment and exclude certain persons in receipt of the mobility component of disability living allowance who are hospital in-patients from entitlement to such a payment.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.