

2003 No. 349

SOCIAL SECURITY

**The Social Fund Winter Fuel Payment (Amendment)
Regulations (Northern Ireland) 2003**

Made - - - - - *23rd July 2003*

Coming into operation *1st September 2003*

The Department for Social Development, in exercise of the powers conferred by sections 134(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), 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) 2003 and shall come into operation on 1st September 2003.

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

Amendment of the Social Fund Winter Fuel Payment Regulations

2. For regulation 2 of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(d) (social fund winter fuel payments) there shall be substituted the following regulation –

“2.—(1) Subject to paragraphs (2) and (3) and regulation 3 of these Regulations and regulation 35(2) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(e), the Department shall pay to a person who –

- (a) in respect of any day falling within the qualifying week is ordinarily resident in Northern Ireland, and
- (b) has attained the age of 60 in or before the qualifying week,

a winter fuel payment of –

- (i) £200 unless he is in residential care or head (ii)(aa) applies, or
- (ii) £100 if income support or an income-based jobseeker’s allowance has not been, nor falls to be, paid to him in respect of the qualifying week and he is –
 - (aa) in that week living with a person to whom a payment under these Regulations has been, or falls to be, made in respect of the winter following the qualifying week, or
 - (bb) in residential care.

(a) 1992 c. 7
(b) See Article 8(b) of S.R. 1999 No. 481
(c) 1954 c. 33 (N.I.)
(d) S.R. 2000 No. 91; regulation 2 was amended by regulation 2 of S.R. 2000 No. 259, regulation 2 of S.R. 2000 No. 340, regulation 2(3) of S.R. 2001 No. 373 and regulation 3 of S.R. 2002 No. 327
(e) S.R. 1987 No. 465; regulation 35(2) was inserted by regulation 2 of S.R. 2002 No. 327

- (2) Where such a person has attained the age of 80 in or before the qualifying week –
- (a) in paragraph (1)(i), for £200 there shall be substituted £300, and
 - (b) in paragraph (1)(ii), for £100 there shall be substituted £200, except that where he is in that week living with a person to whom a payment under these Regulations has been, or falls to be, made in respect of the winter following the qualifying week, who has also attained the age of 80 in or before that week, there shall be substituted £150.
- (3) Where such a person has not attained the age of 80 in or before the qualifying week but he is a partner of and living with a person who has done so, in paragraph (1)(i) for £200 there shall be substituted £300.”.

Sealed with the Official Seal of the Department for Social Development on 23rd July 2003.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 so as to provide for the payment of an additional £100 by way of winter fuel payment for households where a member has attained the age of 80 by the end of the qualifying week.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions 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.

These Regulations do not impose a charge on business.

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