

2005 No. 447

SOCIAL SECURITY

**The Social Fund (Cold Weather Payments) (General)
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - *10th October 2005*

Coming into operation - - - - - *1st November 2005*

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 (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 1st November 2005.

(2) In these Regulations, “the principal Regulations” means the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(c).

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

Amendment of regulation 1 of the principal Regulations

2. In regulation 1 of the principal Regulations (citation, commencement and interpretation)—

(a) in paragraph (2) —

(i) in the definition of “claimant”, after “income support” there shall be added “, state pension credit or income-based jobseeker’s allowance”(e),

(ii) the definitions of “married couple”, “partner”, “sector” and “unmarried couple” shall be omitted(f),

(iii) for the definition of “postcode”, there shall be substituted the following definition—

““Post Office postcode area” means those parts of Northern Ireland which are described in the postcode map published by Datamaps Ltd(g) and are identified by the postcode in question;”

(a) 1992 c.7

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1988 No. 368

(d) 1954 c. 33 (N.I.)

(e) The definition of “claimant” was substituted by regulation 2(a) of S.R. 1991 No. 464

(f) The definitions of “married couple”, “partner” and “unmarried couple” were inserted by regulation 3(2)(a) of S.R. 1990 No. 132 and the definition of “sector” was inserted by regulation 2(e) of S.R. 1991 No. 464

(g) Map No. 63, year of publication 1991

(iv) after the definition of “recorded period of cold weather”, there shall be inserted the following definition—

““state pension credit” has the meaning given by section 1(1) of the State Pension Credit Act (Northern Ireland) 2002(a);”, and

(b) paragraphs (3) and (4) shall be omitted.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2 of the principal Regulations (prescribed circumstances)—

(a) in paragraph (1)(a)(i) and (ii) for “Schedule 1”, in both places where it occurs, there shall be substituted “the Schedule”;

(b) in paragraph (1)(b) the words “or part of such an area” shall be omitted;

(c) in paragraph (1A) for “Schedule 1” there shall be substituted “the Schedule”;

(d) in paragraph (2)(a)—

(i) for “Schedule 1” there shall be substituted “the Schedule”,

(ii) the words “or parts thereof” shall be omitted, and

(iii) for “that Schedule” there shall be substituted “the Schedule”;

(e) in paragraph (2)(b)—

(i) the words “or part of such an area”, in both places where they occur, shall be omitted, and

(ii) for “that Schedule” there shall be substituted “the Schedule”.

Sealed with the Official Seal of the Department for Social Development on 10th October 2005.



John O'Neill

A senior officer of the Department for Social Development

(a) 2002 c. 14 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 (“the principal Regulations”).

Regulation 2 omits from Regulation 1 of the principal Regulations a number of definitions for terms which are no longer used. It also amends the definition of “claimant” by adding references to “income-based jobseeker’s allowance and “state pension credit”, amends the definition of “postcode” and adds a definition of “state pension credit”.

Regulation 3 updates some references to the Schedule in regulation 2 of the principal Regulations and omits references to parts of postcode areas, no longer required following the amended definition of a Post Office postcode area.

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.

A regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business.