

**2008 No. 411**

**SOCIAL SECURITY**

**The Social Fund (Cold Weather Payments) (General)  
(Amendment) Regulations (Northern Ireland) 2008**

*Made* - - - - *3rd October 2008*

*Coming into operation in accordance with regulation 1*

The Department for Social Development makes the following Regulations 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).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2008.

(2) This regulation and regulation 2 shall come into operation on 27th October 2008 immediately after the Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008(c) come into operation.

(3) Regulation 3 shall come into operation on 1st November 2008.

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

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

**Amendment of the principal Regulations**

2. In regulation 1A(2)(f) of the principal Regulations (prescribed description of persons) for “and (ab)” substitute “, (ab), (ad) and (ae)”.

**Modification of the principal Regulations in respect of the 2008-09 winter**

3. For the purpose of making a payment in respect of a period of cold weather which begins at any time after 31st October 2008 but before 1st April 2009, regulation 3(g) (prescribed amount) of the principal Regulations is applied as if the reference to £8.50 were to £25.00.

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(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

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

(c) S.R. 2008 No. 286

(d) S.R. 1988 No. 368; relevant amending Regulations are S.R. 1991 Nos. 464 and 487, S.R. 1995 No. 387 and S.R. 2005 No. 458

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

(f) Regulation 1A was inserted by regulation 2 of S.R. 1991 No. 487; paragraph (2) was substituted by regulation 6 of S.R. 2005 No. 458

(g) Regulation 3 was amended by regulation 4 of S.R. 1991 No. 464 and regulation 2 of S.R. 1995 No. 387

Sealed with the Official Seal of the Department for Social Development on 3rd October 2008

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

### **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 amends regulation 1A(2) of the principal Regulations to correct an omission of a cross reference to paragraphs (1)(ad) and (ae) as inserted by the Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008. These paragraphs are inserted, as recipients of Employment and Support Allowance who are resident in care homes, independent hospitals and other similar establishments are not eligible for cold weather payments.

Regulation 3 provides that for winter 2008/09 a cold weather payment will be £25 instead of £8.50.

These Regulations make in relation to Northern Ireland only provision corresponding to provision 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, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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