

2009 No. 70

FINANCIAL ASSISTANCE

The Household Fuel Payments Scheme Regulations (Northern Ireland) 2009

Made - - - - *2nd March 2009*

Coming into operation- - *3rd March 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 1(2) and 3 of the Financial Assistance Act (Northern Ireland) 2009(a).

The Department for Social Development has been designated as a relevant department under section 1(3)(a) of that Act.

The Regulations are made with the approval of the Office of the First Minister and deputy First Minister.

Citation and commencement

1. These Regulations may be cited as the Household Fuel Payments Scheme Regulations (Northern Ireland) 2009 and shall come into operation on 3rd March 2009.

Household Fuel Payments Scheme (Northern Ireland) 2009

2. The Department for Social Development makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department for Social Development on 2nd March 2009



Heather Cousins
A senior officer of the Department for Social Development

(a) 2009 c.2 (N.I.)

The Office of the First Minister and deputy First Minister approves the Regulations.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 2nd March 2009



E P Rooney

A senior officer of the Office of the First Minister and deputy First Minister

HOUSEHOLD FUEL PAYMENTS SCHEME (NORTHERN IRELAND) 2009**Citation and interpretation**

1.—(1) This Scheme may be cited as the Household Fuel Payments Scheme (Northern Ireland) 2009.

(2) In this Scheme—

“couple” means—

- (a) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household;
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

“the Department” means the Department for Social Development;

“household” means a house and its occupants regarded as a unit and “householder” shall be interpreted accordingly;

“a household fuel payment” means financial assistance provided under this Scheme;

“housing benefit” means housing benefit under the Housing Benefit Regulations (Northern Ireland) 2006(a);

“housing loan” means a housing loan under regulations 17(1)(e) and 18(1)(f) of, and Schedule 3 to, the Income Support (General) Regulations (Northern Ireland) 1987(b);

“income support” means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c);

“a nursing home” has the meaning it has for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (d) by virtue of Article 11 of that Order;

“the qualifying week” means the week beginning with (and including) Monday 15th December 2008 and ending with Sunday 21st December 2008;

“a residential care home” has the meaning it has for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 by virtue of Article 10 of that Order;

“a Social Fund payment” means a payment under section 134 of the Social Security (Contributions and Benefits) Act 1992;

(a) S.R. 2006 No. 405

(b) S.R. 1987 No. 459

(c) 1992 c. 7. Section 123 was amended by Schedules 2 and 3 to the Jobseekers (Northern Ireland) Order 1995 and paragraph 2 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002.

(d) S.I. 2003/431 (N.I.9)

“social security information” means information held by or on behalf of the Department and obtained as a result of, or for the purpose of, the exercise of the Department’s functions in relation to social security;

“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002.(a)

Eligibility

2.—(1) A person is not eligible for a household fuel payment unless he is a qualifying person.

(2) A person is a qualifying person for the purposes of sub- paragraph (1) if he is a householder who was in receipt of :

- (a) state pension credit (except where the recipient is resident in a nursing home or residential care home);
- (b) income support and housing benefit;
- (c) income support and a housing loan; or
- (d) income support and both housing benefit and a housing loan.

on any one day during the qualifying week.

(3) Where a qualifying person is part of a couple, the other member of that couple shall not be treated as a qualifying person.

Amount

3. A household fuel payment shall consist of a single payment of £150 to a qualifying person.

Delayed payment

4.—(1) A person who is eligible for a household fuel payment, and has not received it by 31st May 2009, may apply for a payment.

(2) An application under sub-paragraph (1) must—

- (a) be in writing to the Department;
- (b) be received by the Department before 30th June 2009; and
- (c) specify—
 - (i) the applicant’s name, address, date of birth and national insurance number;
 - (ii) the date on which the application is sent to the Department; and
 - (iii) the benefits that the applicant is in receipt of.

(3) If the Department is satisfied that a person making an application under sub-paragraph (1) is a qualifying person and has not already received a household fuel payment, the Department shall make that payment.

Payment to be disregarded for social security

5. No account shall be taken of eligibility for a household fuel payment in considering a person’s entitlement to a Social Fund payment or a payment under either of the following social security benefits:

- (a) income support; or
- (b) state pension credit.

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

Information

6. The Department may use social security information for the purpose of determining whether a person is eligible for a household fuel payment.

Provision of household fuel payments

7. The Department shall make household fuel payments under the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for payments (“household fuel payments”) to be made to qualifying persons under the Household Fuel Payments Scheme (Northern Ireland) 2009.

Regulation 1 makes provision for citation and commencement.

Regulation 2 provides that the Household Fuel Payments Scheme (Northern Ireland) 2009 is set out in the Schedule to the Regulations.

Schedule

Paragraph 1 makes provision for citation and interpretation. Paragraph 2 provides that to be eligible for a household fuel payment, a person must be a “qualifying person” i.e. a person who was in receipt of state pension credit (other than residents in nursing or residential care homes), or income support with housing benefit and/or housing loan, during the qualifying week beginning with (and including) Monday 15th December 2008 and ending with Sunday 21st December 2008.

Paragraph 2 also provides that, where a qualifying person is a member of a couple, the other member of the couple cannot be a qualifying person.

Paragraph 3 provides that a household fuel payment is a single payment of £150.

Paragraph 4 provides that persons who are eligible for a household fuel payment but do not receive it before 31st May 2009 may apply for the payment from the Department for Social Development by 30th June 2009. If the Department is satisfied that the applicant is a qualifying person, the Department shall make the household fuel payment.

Paragraph 5 provides that no account shall be taken of eligibility for a household fuel payment when considering a person’s entitlement to Social Fund payments and certain social security benefits.

Paragraph 6 provides that the Department may use social security information for the purpose of determining eligibility for a household fuel payment.

Paragraph 7 provides that the Department for Social Development shall make household fuel payments.

The Regulations apply to Northern Ireland only.

A regulatory impact assessment has not been produced for the Regulations as they have no impact on the costs of business.

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