

2012 No. 159

FINANCIAL ASSISTANCE

**The Fuel Allowance Payments Scheme Regulations (Northern
Ireland) 2012**

Made - - - - *20th March 2012*

Coming into operation - *20th March 2012*

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 Fuel Allowance Payments Scheme Regulations (Northern Ireland) 2012 and shall come into operation on 20th March 2012.

Fuel Allowance Payments Scheme (Northern Ireland) 2012

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 20th March 2012

(L.S.)

Heather Cousins
A senior officer of the Department for Social Development

SCHEDULE

Regulation 2

Fuel Allowance Payments Scheme (Northern Ireland) 2012

Citation and interpretation

1.—(1) This Scheme may be cited as the Fuel Allowance Payments Scheme (Northern Ireland) 2012.

(2) In this Scheme:—

“the Department” means the Department for Social Development;

“the higher rate” means a single payment of £100;

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

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

“the qualifying week” means the week beginning with (and including) Monday 12th December 2011 and ending with Sunday 18th December 2011;

“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(b);

“the standard rate” means a single payment of £75.

Eligibility

2.—(1) A person is not eligible for a fuel allowance payment at the standard rate unless they were in receipt of:—

- (a) income support;
- (b) income-related employment and support allowance; or
- (c) income-based job seeker’s allowance

on any one day during the qualifying week.

(2) A person is not eligible for a fuel allowance payment at the higher rate unless they were in receipt of state pension credit on any one day during the qualifying week.

Delayed payment

3.—(1) A person who is eligible for a fuel allowance payment, and has not received it by 29th February 2012, may apply for a payment.

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

- (a) be in writing to the Department or by telephone to 0300 200 7870;
- (b) be received by the Department before 30th June 2012; 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.

(a) 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.

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

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

Payment to be disregarded for social security

4. No account shall be taken of eligibility for a fuel allowance 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.

Information

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

Provision of household fuel payments

6. The Department shall make fuel allowance payments under the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for payments (“fuel allowance payments”) to be made to eligible persons under the Fuel Allowance Payments Scheme (Northern Ireland) 2012.

Regulation 1 makes provision for citation and commencement.

Regulation 2 provides that the Fuel Allowance Payments Scheme (Northern Ireland) 2012 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 fuel allowance payment at the standard rate (£75), a person must have been in receipt of income support, income-related employment and support allowance or income-based job seeker's allowance during the qualifying week beginning with (and including) Monday 12th December 2011 and ending with Sunday 18th December 2011, and to be eligible for a fuel allowance payment at the higher rate (£100), a person must have been in receipt of state pension credit during the qualifying week.

Paragraph 3 provides that persons who are eligible for a fuel allowance payment but do not receive it before 29th February 2012 may apply for the payment from the Department for Social Development by 30th June 2012. If the Department is satisfied that the applicant is eligible for a fuel allowance payment, the Department shall make the payment.

Paragraph 4 provides that no account shall be taken of eligibility for a fuel allowance payment when considering a person's entitlement to income support or state pension credit.

Paragraph 5 provides that the Department may use social security information for the purpose of determining eligibility for a fuel allowance payment.

Paragraph 6 provides that the Department for Social Development shall make payments under the Fuel Allowance Payments Scheme.

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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