

2022 No. 28

FINANCIAL ASSISTANCE

**The Energy Payment Support Scheme Regulations (Northern
Ireland) 2022**

Made - - - - - *03rd February 2022*

Coming into operation - *10th March 2022*

The First Minister and deputy First Minister, acting jointly, made on 18th January 2022 a determination under section 1(1) of the Financial Assistance Act (Northern Ireland) 2009^(a); and, acting jointly, they have designated the Department for Communities^(b) as the relevant department under section 1(3)(a) of that Act.

Accordingly, the Department for Communities, makes the following Regulations in exercise of the powers conferred by sections 1(2), 3 and 4 of that Act.

In accordance with section 1(4) of that Act, the Executive Office^(c) approves the making of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Energy Payment Support Scheme Regulations (Northern Ireland) 2022 and shall come into operation on 10th March 2022.

Energy Payment Support Scheme (Northern Ireland)

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

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

(b) Formerly the Department for Social Development; see section 1(7) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5(N.I.))

(c) Formerly the Office of the First Minister and deputy First Minister; see section 1(1) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5(N.I.))

Sealed with the Official Seal of the Department for Communities on 03rd February 2022

(L.S.)

Anne McCleary

A senior officer of the Department for Communities

The Executive Office approves these Regulations.

Sealed with the Official Seal of the Executive Office on 03rd February 2022

(L.S.)

Neill Jackson

A senior officer of the Executive Office

SCHEDULE

Regulation 2

Energy Payment Support Scheme (Northern Ireland) 2022

Citation and interpretation

1.—(1) This Scheme may be cited as the Energy Payment Support Scheme (Northern Ireland) 2022.

(2) In this Scheme:—

“the 1992 Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**);

“the 1995 Order” means the Jobseekers (Northern Ireland) Order 1995(**b**);

“the 2007 Act” means the Welfare Reform Act (Northern Ireland) 2007(**c**);

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015(**d**);

“the Department” means the Department for Communities;

“an Energy Payment” means financial assistance provided under this Scheme;

“care home” means an establishment that provides accommodation together with nursing or personal care for adults or children;

“employment and support allowance” means employment and support allowance under section 1 of the 2007 Act;

“income support” means income support under section 123 of the 1992 Act;

“jobseekers allowance” means jobseekers allowance under Article 3 of the 1995 Order;

(a) 1992 c. 7 (N.I.)

(b) S.I. 1995/2705 (N.I. 15)

(c) 2007 c. 2 (N.I.)

(d) S.I. 2015/2006 (N.I. 1)

“the qualifying week” means the week beginning with (and including) Monday 13th December 2021 and ending on Sunday 19th December 2021;

“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;

“the standard rate” means a single payment of £200;

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

“universal credit” means universal credit under Part 2 of the 2015 Order.

Eligibility

2.—(1) A person is not eligible for an Energy Payment at the standard rate unless they were in receipt of—

- (a) the income-related allowance of employment and support allowance; or
- (b) income support; or
- (c) income-based jobseeker’s allowance or joint-claim jobseeker’s allowance; or
- (d) state pension credit; or
- (e) universal credit

on any one day during the qualifying week, and on that day were ordinarily resident in Northern Ireland.

(2) Only one Energy Payment shall be payable under this scheme in respect of any person.

(3) A person who is resident in a care home shall not be eligible for a payment under this scheme.

Recovery

3. The Department may recover any payment made in error.

Delayed payment

4.—(1) A person who is eligible for an Energy Payment, and has not received it by 28th March 2022, may apply for a payment.

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

- (a) be made in writing to the Department or by telephone to the relevant telephone numbers published on the NI Direct website
- (b) be received by the Department before 31st May 2022; and
- (c) specify—
 - (i) the applicant’s name, address, date of birth and national insurance number; and
 - (ii) the benefits that the applicant was in receipt of during the qualifying week.

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

Appeals

5. There will be no right of appeal.

(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 an Energy Payment.

Provision of Energy Support payment

7. The Department shall make Energy Payments under the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for payments (“Energy Payments”) to be made to eligible persons under the Energy Payment Support Scheme (Northern Ireland) 2022.

Regulation 2 provides that the Energy Payment Support Scheme (Northern Ireland) 2022 is set out in the Schedule to the Regulations.

Schedule

Paragraph 2 provides that to be eligible for an Energy Payment at the standard rate (£200), a person must have been in receipt of income-related employment and support allowance, income support, income-based jobseeker’s allowance, state pension credit or universal credit; on any one day during the qualifying week beginning with (and including) Monday 13th December 2021 and ending on Sunday 19th December 2021; and on that day were ordinarily resident in Northern Ireland.

Paragraph 3 provides that the Department may recover any payment made in error.

Paragraph 4 provides that persons who are eligible for an Energy Payment but do not receive it before 28th March 2022 may apply for the payment from the Department for Communities by 31st May 2022. If the Department is satisfied that the applicant was eligible for an Energy Payment during the qualifying week, the Department shall make the payment.

Paragraph 5 provides that there is no right of appeal.

Paragraph 6 provides that the Department for Communities may use social security information for the purpose of determining eligibility for an Energy Payment.

Paragraph 7 provides that the Department for Communities shall make payments under the Energy Payment Support Scheme.

This Scheme will 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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£4.90

<http://www.legislation.gov.uk/id/misr/2022/28>

ISBN 978-0-33-801829-8



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