
 STATUTORY INSTRUMENTS

1989 No. 2388

SOCIAL SECURITY

**The Social Fund Cold Weather Payments (General)
Amendment Regulations 1989**

<i>Made</i> - - - -	<i>19th December 1989</i>
<i>Laid before Parliament</i>	<i>19th December 1989</i>
<i>Coming into force</i>	<i>1st January 1990</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 32(2A) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make the Regulations should not be referred to it(c), 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 1989 and shall come into force on 1st January 1990.

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

Substitution of regulation 4 of the principal Regulations

2. For regulation 4 of the principal Regulations (effect and calculation of capital) there shall be substituted the following regulation —

“Effect and calculation of capital

4.—(1) Where a claimant is aged —

- (a) 60 or over and has capital which is in excess of £1,000; or
- (b) under 60 and has capital which is in excess of £500,

a payment in respect of a period of cold weather which, but for this regulation, would be payable shall be payable only if, and to the extent that, the amount of the payment is more than the excess.

(a) 1986 c.50; section 32(2A) was added by section 11 of and paragraph 2 of Schedule 3 to, the Social Security Act 1988 (c.7); section 84(1) is cited because of the meaning assigned to the word “prescribed”. (b) 1975 c.14; section 166(3A) was added by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of the Social Security Act 1986. (c) See section 10(1) of the Social Security Act 1980 (c.30) and section 61(1)(b) of the Social Security Act 1986. (d) S.I. 1988/1724, to which there are amendments not relevant to these Regulations.

- (2) For the purposes of paragraph (1) –
- (a) any capital possessed by any person whose capital is, for the purposes of entitlement to income support, treated as that of the claimant by virtue of section 22(5) of the Act or the provisions of regulation 23(3) of the General Regulations (calculation of income and capital) shall be treated as that of the claimant; and
 - (b) any capital shall be calculated in the same manner as the claimant's capital is calculated under the General Regulations for the purposes of determining his entitlement to income support.”.

Amendment to the Schedule to the principal Regulations

3. In the Schedule to the principal Regulations –

- (a) in paragraph 3 (Aughton), column (2), for the words “Bowland-with-Leagrain” there shall be substituted the words “Bowland with Leagram”;
- (b) in paragraph 20 (Easthampstead), column (2), the words “In the County of SURREY” to the end of the paragraph shall be deleted;
- (c) in paragraph 24 (Exeter), column (2), delete the existing paragraph and insert the following –

“In the county of CORNWALL

Comprises: Part District of CARADON

Consisting of the parishes of: Callington, Calstock, Linkinhorne, Liskeard, Menheniot, St Cleer, St Dominick, St Ive, St Mellion, St Neot, South Hill, Warleggan.

Part District of NORTH CORNWALL

Consisting of the parishes of: Advent, Altarnun, Blisland, Boyton, Bude Stratton, Camelford, Cardinham, Davidstow, Egloskerry, Forrabury and Minster, Helland, Jacobstow, Kilkhampton, Laneast, Launcells, Launceston, Lawhitton Rural, Lesnewth, Lewannick, Lezant, Marhamchurch, Michaelstow, Morwenstow, North Hill, North Petherwin, North Tamerton, Otterham, Poundstock, St Breward, St Clether, St Endellion, St Gennys, St Juliot, St Kew, St Mabyn, St Minver Highlands, St Minver Lowlands, St Stephens by Launceston Rural, St Teath, St Thomas the Apostle Rural, St Tudy, South Petherwin, Stoke Climsland, Tintagel, Tremaine, Treneglos, Tresmeer, Trevalga, Trewen, Warbstow, Week St Mary, Werrington, Whitstone.

In the County of Devon

Comprises: The City of EXETER

The Borough of TORBAY

The District of EAST DEVON

The District of MID DEVON

The District of TEIGNBRIDGE

Part Borough of WEST DEVON

Consisting of the parishes of: Ashbury, Beaworthy, Belstone, Bondleigh, Bratton Clovelly, Bridestowe, Broadwoodkelly, Chagford, Drewsteignton, Exbourne, Germansweek, Gidleigh, Hatherleigh, Highampton, Iddesleigh, Inwardleigh, Jacobstowe, Kelly and Bradstone, Lewdon, Linton, Meeth, Monkokehampton, Northlew, North Tawton, Okehampton, Okehampton Hamlets, Sampford Courtenay, Sourton, South Tawton, Spreyton, Stowford, Throwleigh.

Part District of SOUTH HAMS

Consisting of the parishes of: Ashprington, Berry Pomeroy, Cornworthy, Dartington, Dartmouth, Dean Prior, Diptford, Dittisham, Halwell, Harberton, Holne, Kingswear, Littlehempston, Marldon, Moreleigh, North Huish, Rattery, South Brent, Staverton, Stoke Gabriel, Totnes, West Buckfastleigh.

Part District of TORRIDGE

Consisting of the parishes of: Abbots Bickington, Ashwater, Black Torrington, Bradford, Bradworthy, Bridgerule, Broadwoodwidge, Clawton, Cookbury, Halwill, Hollacombe, Holsworthy, Holsworthy Hamlets, Luffincott, Milton Damerel, Northcott, Pancrasweek, Pyworthy, St Giles on the Heath, Sutcombe, Tetcott, Thornbury, Virginstow, West Putford.”;

- (d) in paragraph 25 (Finningley), column (2), after the words “The Borough of BARNSELY” the words “except that part consisting of the areas of Darton and Woolley Colliery” shall be deleted;
- (e) in paragraph 27 (Gatwick Airport), column (2) –
 - (i) in the reference to the County of Surrey, the words “The Borough of Surrey Heath” shall be inserted after the words “The Borough of Runnymede”;
 - (ii) after the words “Part Borough of ELMBRIDGE Consisting of the”, the word “areas” shall be deleted and there shall be substituted the word “towns”;
 - (iii) the words “Part Borough of Surrey Heath” to “Windlesham” shall be deleted;
- (f) in paragraph 29 (Heathrow Airport), column (2) –
 - (i) after the words “Part District of EPPING FOREST Consisting of the”, the word “areas” shall be deleted and there shall be substituted the word “parishes”;
 - (ii) the words after “Part Borough of ELMBRIDGE” to “Old Esher Urban District Council” shall be deleted and there shall be substituted the words “Except the towns of Walton-on-Thames, Weybridge”;
- (g) in paragraph 34 (Leeds Weather Centre), column (2) –
 - (i) after the words “Wintringham, Yedingham” from the words “In the County of SOUTH YORKSHIRE” to the words “Darton and Woolley Colliery” shall be deleted;
 - (ii) the words “the City of Wakefield” shall be deleted and there shall be substituted the words “Wakefield Metropolitan District”;
- (h) paragraph 45 (Okehampton), column (1) and (2) shall be deleted in its entirety.

Signed by authority of the Secretary of State for Social Security.

19th December 1989

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Fund Cold Weather Payments (General) Regulations 1988 by increasing the capital limit for persons aged 60 or over from £500 to £1000 and providing for the capital of a claimant's partner to be taken into account for the purposes of determining the amount of a claimant's capital (regulation 2). They also revise in part the description of areas covered by the national climatological message stations (regulation 3).