

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL FUND COLD WEATHER PAYMENT (GENERAL)**  
**AMENDMENT REGULATIONS 2009**

**2009 No. 2649**

1. This Explanatory Memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the Instrument**

2.1 The purpose of these regulations is to amend the Social Fund Cold Weather Payments (General) Regulations 1988. They make minor technical changes to the Cold Weather Payments scheme, following advice from the Meteorological Office, to ensure that postcodes are linked to the most appropriate weather station. They also provide for the amount of a Cold Weather Payment to be £25 for Winter 2009/10.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1. None

4. **Legislative Context**

4.1. The Cold Weather Payment scheme has operated broadly in the same way since 1991. Each year the scheme is reviewed, expert advice sought from the Meteorological Office, and changes made where necessary prior to the following winter to ensure that postcodes are linked to the most appropriate weather station.

4.2. This instrument makes changes to the Social Fund Cold Weather Payments (General) Regulations 1988 (“the 1988 Regulations”), by substituting new Schedules to the 1988 Regulations in relation to the lists of weather stations and applicable postcode districts in Schedule 1, and alternative weather stations in Schedule 2. It also provides for Cold Weather Payments to be £25 for Winter 2009/10.

5. **Territorial Extent and Application**

5.1. This instrument extends to Great Britain. Equivalent provision will be made for Northern Ireland by statutory rules.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy Background

- *What is being done and why*

7.1 Cold Weather Payments provide help for vulnerable groups in receipt of Pension Credit, Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance to meet heating costs incurred, or likely to be incurred, in cold weather. That is when the average of the daily temperature for a period of seven consecutive days at a given weather station is recorded as, or is forecast to be, 0 degrees Celsius or below.

7.2 Each residential postcode in the country is linked to one of the 76 weather stations used in the scheme. The Meteorological Office uses data from these weather stations to calculate a rolling seven day average temperature. DWP is then notified of any "triggers" so that payments can be made to eligible customers.

7.3 Every year the Cold Weather Payments Regulations are amended following expert advice from the Meteorological Office about the continued availability of any weather station and whether any new stations are more suitable and should be introduced into the scheme. The Meteorological Office also consider the effect of any changes to the postcode system made by the Royal Mail and consider any representations from MPs made since the previous winter about the suitability of postcode to weather station links affecting constituents.

7.4 Regulation 2(2) and Schedule 1 of this instrument detail the revised postcode to weather station links. Regulation 2(3) and Schedule 2 detail the revised specified alternative weather stations.

7.5 Regulation 3 provides for the amount of a Cold Weather Payment to be £25 for winter 2009/10.

- *Consolidation*

7.6 Informal consolidation of the instrument will be included in due course in the Department's 'The Law Relating to Social Security' (The Blue Volumes) which is available on the intranet at

[http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/pdf/a6\\_8301.pdf](http://www.dwp.gov.uk/advisers/docs/lawvols/bluevol/pdf/a6_8301.pdf) at no cost to the public.

## 8. Consultation

8.1 The proposed regulations were scrutinised by the SSAC. The Committee decided under the provisions of s.173 of the Social Security Administration Act that it did not require the regulations to be formally referred to it for the preparation of a report to the Secretary of State for Work and Pensions and, accordingly, it did not conduct a public consultation exercise upon the proposals.

## **9. Guidance**

9.1 Guidance on the changes made by these regulations will be provided to Decision Makers as soon as possible.

## **10 Impact**

10.1 The impact on business, charities or voluntary bodies is nil

10.2 The impact on the public sector is negligible

10.3 A full impact assessment has not been produced for this instrument.

## **11 Regulating small business**

11.1 The legislation does not apply to small business.

## **12 Monitoring and review**

12.1 As the changes are minor, there are no plans to monitor, but the scheme is reviewed annually by the Meteorological Office.

## **13 Contact**

Any queries regarding this instrument should be directed to Beverley Walsh at the Department for Work and Pensions (telephone 0113 2327608 e-mail [beverley.walsh@jobcentreplus.gsi.gov.uk](mailto:beverley.walsh@jobcentreplus.gsi.gov.uk)).