

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL FUND COLD WEATHER PAYMENTS (GENERAL) (AMENDMENT)**  
**REGULATIONS 2016**

**2016 No. 876**

**1. Introduction**

- 1.1 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 This instrument amends cold weather payment legislation. The primary aim is to enable the Secretary of State to vary weather station designations relevant to cold weather payments without the need for new legislation every time a variation is needed. The Department will continue to make a cold weather payments to eligible persons in the postcode areas linked to the weather station.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Select Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 The Social Fund Cold Weather Payments (General) Regulations 1988 (“the 1998 Regulations”) (<http://www.legislation.gov.uk/ukxi/1988/1724>) provide a scheme to make cold weather payments to help vulnerable groups during cold periods (“the Scheme”). It has operated broadly in the same way since 1991. Each year the Scheme is reviewed, with expert advice sought from the Met Office, and where necessary, changes are made to the 1988 Regulations before the start of the next winter season to ensure that postcodes are linked to the most appropriate weather station for the purposes of the cold weather payment.
- 4.2 To reduce administrative burdens and Parliamentary time the 1998 Regulations are being amended so that revisions can be made without the need for new legislation each time the weather stations/postcode linkages change. The amendments will not materially impact on how the Scheme operates in practice.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is Great Britain.
- 5.2 The territorial application of this instrument is Great Britain.

## **6. European Convention on Human Rights**

- 6.1 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 financial help for vulnerable groups of people who are most likely to be susceptible to the cold and who are in receipt of one of the following income replacement benefits – State Pension Credit, Income Support, income-based Jobseeker’s Allowance, income-related Employment and Support Allowance and Universal Credit – and meet other specified conditions. Payments are to meet heating costs incurred, or likely to be incurred, during periods of cold weather. A period of cold weather means a period when the average of the mean 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 Great Britain is linked to one of a series of weather stations used in the Scheme. The Met Office calculates rolling seven day average temperatures for each of the weather stations during the period 1 November to 31 March. It notifies the Department when a weather station records, or forecasts, an average temperature of 0 degrees Celsius or below over a seven day period. Following a notification from the Met Office, the Department makes a payment to eligible persons in the postcode areas linked to the weather station.
- 7.3 The rate of a cold weather payment remains at £25. This rate was a temporary increase (from £8.50) for winters 2008/9 and 2009/10 and made permanent from the winter 2010/11.
- 7.4 The schedules to the 1988 Regulations, linking weather stations to postcodes, were usually amended on an annual basis to take account of advice from the Met Office who, in the light of their expert data, decided if a particular postcode would be more appropriately linked to a different weather station. On this issue the Met Office considered any representations made by the public or members of Parliament since the previous winter about the suitability of a postcode to a particular weather station as it affected their constituents. The schedules also had to be amended when new weather stations opened or existing ones closed down.
- 7.5 To reduce the cost to the public purse and save Parliamentary time, amendments are being made to the 1988 Regulations so that revisions can be made without the need for the new legislation each time the weather stations/postcode linkages change. This instrument therefore amends the 1988 Regulations by revoking Schedules 1 and 2 to the 1988 Regulations and providing instead that the Secretary of State must designate a primary weather station and may designate a secondary weather station for each postcode district and must publish this information.
- 7.6 The instrument also makes some minor changes to the 1988 Regulations to ensure that where a primary station is unable to provide temperature information or the Met Office is unable to produce a forecast at a primary station, there are adequate procedures for the necessary temperature information or forecast to be obtained from another weather station. These changes will ensure that, where there is a problem with the primary station (and, where relevant, with the secondary station), the most

appropriate station (rather than simply the nearest station) is used to provide the relevant information. The reason for this is that the nearest station may not reflect the climatic conditions experienced by the primary station. An example of this would be where the primary station is located in a coastal region and the nearest station is in the mountains.

- 7.7 Claimants and other stakeholders/interested parties will be able to access information about which weather station links to which postcode by requesting it directly from the Department: [socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk](mailto:socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk).

### ***Consolidation***

- 7.8 Informal consolidated text of instruments is available to the public free of charge via 'the National Archive' website [legislation.gov.uk](http://legislation.gov.uk)

## **8. Consultation outcome**

- 8.1 This instrument makes no changes to the way eligibility for a cold weather payment under the Scheme is determined. It enables the Department to continue the long-standing practice of linking postcodes to weather stations to determine eligibility, but removes the need for annual amendment to the 1988 Regulations without removing any transparency. In this context, no consultation was considered necessary. A draft of the Regulations has been considered by the Social Security Advisory Committee. The Committee is content that they should proceed without having been formally referred to them.

## **9. Guidance**

- 9.1 As the changes are minor, no additional guidance will be issued. Before the Regulations come into force, a bulletin will be provided to the Department's decision makers to inform them of the changes.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is negligible impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

- 12.1 As the changes are largely technical there are no plans to monitor them specifically. However, the Scheme will be reviewed annually by the Department in consultation with the Met Office.

## **13. Contact**

- 13.1 Sheena Mustard at the Department can answer any queries regarding the instrument and she can be contacted on telephone: 0114 294 8413 or email: [socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk](mailto:socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk)