

2010 No. 2442

SOCIAL SECURITY

**The Social Fund Cold Weather Payments (General) Amendment
Regulations 2010**

<i>Made</i> - - - -	<i>2nd October 2010</i>
<i>Laid before Parliament</i>	<i>11th October 2010</i>
<i>Coming into force</i> - -	<i>1st November 2010</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 138(2) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Cold Weather Payments (General) Amendment Regulations 2010.

(2) They come into force on 1st November 2010.

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

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “the Act” substitute—

““the Act” means the Social Security Contributions and Benefits Act 1992;”;

(b) omit the definitions of “child” and “polygamous marriage”;

(c) for the definition of “family” substitute—

““family” has the meaning given to it in section 137 of the Act and the General Regulations(d);”;

(d) for the definition of “income support” substitute—

(a) 1992 c.4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”. Amendments not relevant to these Regulations have been made to section 175(1) and (4).

(b) See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992 (c.5). Amendments not relevant to these Regulations have been made to section 170.

(c) S.I. 1988/1724.

(d) S.I. 1987/1967.

““income support” means income support under Part 7 of the Act;”;

(e) insert the following definitions in the appropriate places—

““cold weather payment” means a payment to meet expenses for heating made out of the social fund under section 138(2) of the Act and these Regulations;”

“winter period” means the period beginning on 1st November in any year and ending on 31st March in the following year.”.

(3) For regulation 1A(a) (prescribed description of persons), substitute—

“Prescribed description of persons

1A.—(1) A cold weather payment may be made in the circumstances prescribed by regulation 2 to a person who satisfies the following conditions.

(2) The first condition is that, in respect of at least one day during the recorded or the forecasted period of cold weather specified in regulation 2(1)(a), the person has been awarded—

- (a) state pension credit;
- (b) income support;
- (c) an income-based jobseeker’s allowance; or
- (d) an income-related employment and support allowance.

(3) The second condition (which applies only if the person (“P”) falls within paragraph (2)(b), (c) or (d)) is that, in respect of the day to which paragraph (2) relates—

- (a) P’s family includes a member aged less than 5;
- (b) where P has been awarded income support, P’s applicable amount includes one or more of the premiums specified in paragraphs 9 to 14 of Part 3 of Schedule 2 to the General Regulations;
- (c) where P has been awarded a jobseeker’s allowance, P’s applicable amount includes one or more of the premiums specified in paragraphs 10 to 16 of Part 3 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996**(b)**;
- (d) P’s child tax credit includes an individual element referred to in regulation 7(4)(a), (b), (d) or (e) of the Child Tax Credit Regulations 2002**(c)**; or
- (e) where P has been awarded an employment and support allowance, P’s applicable amount includes—
 - (i) one or more of the premiums specified in paragraphs 5 to 7 of Schedule 4 to the Employment and Support Allowance Regulations 2008**(d)**, or
 - (ii) an amount under section 4(2)(b) of the Welfare Reform Act.

(4) The third condition (which does not apply to a person who comes with paragraph (3)(a) or (d)) is that the person does not reside in—

- (a) a care home;
- (b) an independent hospital;
- (c) an establishment run by the Abbeyfield Society or by a body corporate or incorporate which is affiliated to that Society; or
- (d) accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947**(e)** (provision by the Secretary of State of accommodation in camps).

(5) In paragraph (4) —

(a) Regulation 1A was inserted by S.I. 1991/2448.
(b) S.I. 1996/207.
(c) S.I. 2002/2007.
(d) S.I. 2008/794.
(e) 1947 c.19.

- (a) “care home” in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000^(a), and in Scotland means a care home service as defined by section 2(3) of the Regulation of Care (Scotland) Act 2001^(b);
 - (b) “independent hospital”—
 - (i) in England, means a hospital as defined by section 275 of the National Health Service Act 2006^(c) that is not a health service hospital as defined by that section;
 - (ii) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
 - (iii) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001.”.
- (4) In regulation 2 (prescribed circumstances)—
- (a) in paragraph (1), for “a payment may be made out of the social fund to meet expenses for heating under section 32(2A) of the Act”, substitute “a cold weather payment may be made”;
 - (b) in paragraph (1)(a), for “and (5)” substitute “, (5) and (6)”;
 - (c) for paragraph (5), substitute—

“(5) Where—

 - (a) a claimant satisfies the conditions in regulation 1A and paragraph (1) in respect of a recorded period of cold weather, and
 - (b) a payment in respect of the recorded period of cold weather does not fall to be made by virtue of paragraph (4), and
 - (c) the claimant does not satisfy the conditions in regulation 1A in respect of the forecasted period of cold weather which is linked to the recorded period of cold weather by an overlap period,

a cold weather payment may be made in respect of that recorded period of cold weather.”;
 - (d) after paragraph (5), add—

“(6) A cold weather payment may not be made after the end of the period of 26 weeks beginning with the last day of the winter period in which the period of cold weather concerned falls.”.
- (5) For Schedule 1^(d) (identification of stations and postcode districts), substitute the Schedule set out in Schedule 1 to these Regulations.
- (6) For Schedule 2^(e) (specified alternative stations), substitute the Schedule set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State for Work and Pensions

Steve Webb
Minister of State
Department for Work and Pensions

2nd October 2010

(a) 2000 c.14.
 (b) 2001 asp 8.
 (c) 2006 c.41.
 (d) Schedule 1 was substituted by S.I. 2009/2649. (Schedule 1 had previously been substituted by other statutory instruments the most recent being S.I. 2005/2724, 2006/2655, 2007/2912 and 2008/2569.)
 (e) Schedule 2 was substituted by S.I. 2009/2649. (Schedule 2 had previously been substituted by S.I. 2003/2605, 2005/2724, 2006/2655, 2007/2912 and 2008/2569.)

SCHEDULE 1

Regulation 2(5)

The following Schedule is substituted for Schedule 1 to the principal Regulations—

“SCHEDULE 1

Regulation 2(1)(a) and (2)

IDENTIFICATION OF STATIONS AND POSTCODE DISTRICTS

<i>Column (1)</i> <i>Meteorological Office Station</i>	<i>Column (2)</i> <i>Postcode districts</i>
1. Aberporth	SA35-48, SA64-65.
2. Albemarle	DH1-7, DH9, DL4-5, DL14-17, NE1-13, NE15-18, NE20-21, NE23, NE25-46, SR1-7, TS21, TS28-29.
3. Andrewsfield	CB1-5, CB10-11, CB21-25, CM1-9, CM11-24, CM77, CO9, RM4, SG8- 11.
4. Aultbea	IV21-22, IV26.
5. Aviemore	AB37. PH19-26.
6. Bedford	MK1-19, MK40-46, NN1-16, NN29, PE19, SG 5-7, SG15-19.
7. Bingley	BB4, BB8-12, BB18, BD1-24, BL0, BL7-8, DL8, DL11, HD3, HD7-9, HX1-7, LS21, LS29, OL1-5, OL11-16, S36, SK13,
8. Bishopston	G1-5, G11-15, G20-23, G31-34, G40-46, G51-53, G60-62, G64, G66, G69, G71-78, G81-84, KA1-18, KA20-25, KA28-30, ML1-5, PA1-27, PA32.
9. Boscombe Down	BA12, RG28, SO20-23, SP1-5, SP7, SP9-11.
10. Boulmer	NE22, NE24, NE61-70.
11. Braemar	AB33-36, PH10-11, PH18.
12. Brize Norton	OX1-6, OX8, OX10-14, OX18, OX20, OX25-29, OX33, OX44, SN7.
13. Capel Curig	LL24-25, LL41.
14. Cardinham (Bodmin)	PL13-18, PL22-35, TR9.
15. Carlisle	CA1-8, DG12, DG16.
16. Cassley	IV27-28, KW11, KW13.
17. Charlwood	BN5-6, BN44, GU5-6, ME6, ME14-20, RH1-20, TN1-20, TN22, TN27.
18. Charterhall	NE71, TD 1-6, TD8, TD10-15.
19. Chivenor	EX23, EX31-34, EX39.
20. Coleshill	B1-21, B23-38, B40, B42-50, B60-80, B90-98, CV1-12, CV21-23, CV31-35, CV37, CV47, DY1-14, LE10, WS1-15, WV1-16.
21. Crosby	CH41-49, CH60-66., FY1-8, L1-40, PR1-9, PR25-26, WA1-2, WA4-12, WN1-6, WN8.
22. Culdrose	TR1-8, TR10-20, TR26-27.
23. Dundrennan	DG1-2, DG5-7.
24. Dunkeswell Aerodrome	DT6-8, EX1-5, EX8-15, EX24, TA21.
25. Dunstaffnage	PA30-31, PA34-35, PA37-38, PA62-65,

Column (1)

Meteorological Office Station

26. Dyce
27. Edinburgh Gogarbank
28. Eskdalemuir
29. Filton
30. Fylingdales
31. Gravesend
32. Hawarden Airport
33. Heathrow
34. Hereford-Credenhill
35. Herstmonceux, West End
36. High Wycombe
37. Hurn (Bournemouth Airport)
38. Isle of Portland
39. Keele
40. Kinloss
41. Kirkwall
42. Lake Vyrnwy
43. Leconfield
44. Leek
45. Lerwick
46. Leuchars
47. Linton on Ouse
48. Liscombe
49. Little Rissington
50. Loch Glascarnoch
51. Loftus
52. Lusa
53. Lyneham
54. Machrihanish
55. Manston

Column (2)

Postcode districts

- PA68-72.
- AB10-16, AB21-25, AB30-32, AB39, AB41-43, AB51-54, DD8-9.
- EH1-42, EH47-49, EH51-55, FK1-7, FK9-10, KY3, KY11-13.
- DG3-4, DG10-11, DG13-14, ML12, TD7, TD9.
- BS1-11, BS13-16, BS20-24, BS29-32, BS34-37, BS39-41, BS48-49, GL11-13, NP16, NP26.
- YO13, YO18, YO21-22, YO62.
- BR5-8, CM0, DA1-18, ME1-5, ME7-8, RM1-3, RM5-20, SS0-17.
- CH1-8, LL11-14, SY14.
- BR1-4, CR0, CR2-9, E1-18, E1W, EC1-4, EN1-5, EN7-11, HA0-9, IG1-11, KT1-24, N1-22, NW1-11, SE1-28, SL0, SL3, SM1-7, SW1-20, TW1-20, UB1-10, W1-14, WC1-2, WD1-2.
- GL1-6, GL10, GL14-20, GL50-53, HR1-9, NP7-8, NP15, NP25, SY8, WR1-11, WR13-15.
- BN7-8, BN20-24, BN26-27, TN21, TN31-40.
- HP5-23, HP27, OX9, OX39, OX49, RG9, SL7-9.
- BH1-25, BH31, DT1-2, DT11, SP6.
- DT3-5.
- CW1-3, CW5, ST1-8, ST11-12, ST14-21.
- AB38, AB44-45, AB55-56, IV1-3, IV5, IV7-20, IV30-32, IV36.
- KW15-17.
- LL20-21, LL23, SY10, SY15-17, SY19, SY21-22.
- DN14, HU1-20, YO11-12, YO14-17, YO25.
- DE4, DE45, S32-33, SK17, SK22-23, ST9-10, ST13.
- ZE1-3.
- DD1-7, DD10-11, KY1-2, KY4-10, KY15-16, PH12, PH14.
- DL1-3, DL6-7, DL9-10, HG1-5, LS1-20, LS22-28, TS9, TS15-16, YO1, YO7-8, YO10, YO19, YO23-24, YO26, YO30-32, YO41-43, YO51, YO60-61.
- EX16, EX35-36, TA22, TA24.
- CV36, GL54-56, OX7, OX15-17, WR12.
- IV4, IV6, IV23-24, IV63.
- SR8, TS1-8, TS10-14, TS17-20, TS22-27.
- IV40-49, IV51-56, PH36, PH38-41.
- BA1-3, BA11, BA13-15, GL7-9, RG17, SN1-6, SN8-16, SN25-26.
- KA27, PA28-29, PA41-49, PA60.
- CT1-21, ME9-13, TN23-26, TN28-30.

Column (1)

Meteorological Office Station

- 56. Marham
- 57. Mona
- 58. North Wyke

- 59. Norwich Airport
- 60. Nottingham Watnall

- 61. Pembrey Sands

- 62. Plymouth
- 63. Redesdale
- 64. Rhyl
- 65. Rothamsted

- 66. St. Athan

- 67. St. Bees Head
- 68. St. Catherine's Point
- 69. Salisbury
- 70. Scilly, St. Mary's
- 71. Sennybridge
- 72. Shap
- 73. Shawbury
- 74. Sheffield

- 75. South Farnborough

- 76. Stonyhurst
- 77. Stornoway Airport
- 78. Strathallan
- 79. Thorney Island

- 80. Tiree
- 81. Trawsgoed
- 82. Tredegar

- 83. Tulloch Bridge

- 84. Waddington

- 85. Walney Island
- 86. Wattisham
- 87. West Freugh
- 88. Wick Airport
- 89. Wittering

Column (2)

Postcode districts

- CB6-7, IP24-28, PE12-14, PE30-38.
- LL33-34, LL42-49, LL51-78.
- EX6-7, EX17-22, EX37-38, PL19-21, TQ1-6, TQ9-14.
- NR1-35.
- CV13, DE1-3, DE5-7, DE11-15, DE21-24, DE55-56, DE65, DE72-75, LE1-9, LE11-14, LE16-19, LE65, LE67, NG1-22, NG25, NG31-34.
- SA1-8, SA14-18, SA31-34, SA61-63, SA66-73.
- PL1-12, TQ7-8.
- CA9, DH8, DL12-13, NE19, NE47-49.
- LL15-19, LL22, LL26-32.
- AL1-10, EN6, HP1-4, LU 1-7, SG1- 4, SG12-14, WD3-7, WD17-19, WD23-25.
- CF3, CF5, CF10-11, CF14-15, CF23-24, CF31-36, CF61-64, CF71-72, NP10, NP18-20, SA10-13.
- CA13-15, CA18-28.
- PO30, PO38-41.
- EH43-46, G65, G67-68, ML6-11.
- TR21-25.
- LD1-8, SA19-20, SY7, SY9, SY18.
- CA10-12, CA16-17, LA8-10, LA22-23.
- SY1-6, SY11-13, TF1-13.
- DN1 – 8, DN11 -12, HD1-2, HD4-6, S1-14, S17-18, S20-21, S25-26, S35, S40-45, S60-66, S70-75, S80-81, WF1-17.
- GU1-4, GU7-35, GU46-47, GU51-52, RG1-2, RG4-8, RG10, RG12, RG14, RG18-27, RG29-31, RG40-42, RG45, SL1-2, SL4-6, SO24.
- BB1-3, BB5-7, LA2, LA6-7.
- HS1-9.
- FK8, FK11-19, G63, KY14, PH1-7, PH13.
- BN1-3, BN9-18, BN25, BN41-43, BN45, PO1-22, PO31-37, SO14-19, SO30-32, SO40-43, SO45, SO50-53.
- PA61, PA66-67, PA73-78, PH42-44.
- LL35-40, SY20, SY23-25.
- CF37-48, CF81-83, NP4, NP11-13, NP22-24, NP44, SA9.
- FK20-21, PA33, PA36, PA40, PH8-9, PH15-17, PH30-35, PH37, PH49-50.
- DN9-10, DN13, DN15-22, DN31-41, LN1-13, NG23-24, PE10-11, PE20-25.
- LA1, LA3-5, LA11-21.
- CB8-9, CO1-8, CO10-16, IP1-23, IP29-33.
- DG8-9, KA19, KA26.
- IV25, KW1-3, KW5-10, KW12, KW14.
- LE15, NN17-18, PE1-9, PE15-17, PE26-29.

Column (1)
Meteorological Office Station
90. Woodford

91. Yeovilton

Column (2)
Postcode districts
 BL1-6, BL9, CW4, CW6-12, M1-9, M11-35,
 M38, M40-41, M43-46, M50, M90, OL6-10,
 SK1-12, SK14-16, WA3, WA13-16, WN7.
 BA4-10, BA16, BA20-22, BS25-28, DT9-10,
 SP8, TA1-20, TA23.”

SCHEDULE 2

Regulation 2(6)

The following Schedule is substituted for Schedule 2 to the principal Regulations—

“SCHEDULE 2

Regulation 2(1A)(a)
 and 2(1B)(a)

SPECIFIED ALTERNATIVE STATIONS

<i>Column (1)</i>	<i>Column (2)</i>
<i>Meteorological Office Station</i>	<i>Specified Alternative Station</i>
Capel Curig	Lake Vyrnwy
Cardinham	North Wyke
Carlisle	Keswick
Charlwood	Kenley Airfield
Coleshill	Pershore College
Crosby	Rhyl
Dunstaffnage	Lusa
Gravesend	Kenley
Hawarden Airport	Crosby
Heathrow	Gravesend
Hereford-Credenhill	Pershore College
High Wycombe	Rothamsted
Keele	Shawbury
Kinloss	Lossiemouth
Linton on Ouse	Church Fenton
Liscombe	North Wyke
Mona	Rhyl
North Wyke	Okehampton
Rhyl	Crosby
St Athan	Mumbles
Sennybridge	Tredegar
Shap	Keswick
Sheffield	Nottingham Watnall
Tiree	Lusa
Woodford	Keele”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Cold Weather Payments (General) Regulations 1988 (SI 1988/1724) (“the 1988 Regulations”).

Regulation 2(2) updates some definitions and adds definitions of “cold weather payment” and “winter period” to regulation 1(2) of the 1988 Regulations.

Regulation 2(3) substitutes a new regulation 1A of the 1988 Regulations in order to simplify the description of persons who are eligible for a cold weather payment, to remove an unnecessary reference to state pension credit and to update some legislative references.

Regulation 2(4) makes some consequential amendments to regulation 2 of the 1988 Regulations and adds a new paragraph (6) to make clear that a payment may not be made more than 26 weeks from and including the last day of the winter period in which the relevant period of cold weather falls. It makes amendments to regulation 2(5) consequential on the amendments to regulation 1A.

Schedule 1 to the 1988 Regulations specifies primary weather stations which are relevant to determining whether there is a recorded, or forecasted, period of cold weather. Schedule 2 to the 1988 Regulations specifies alternative stations used to determine this information where the primary station is unable to do so. (Where there is no specified alternative station for the relevant primary station, the nearest primary station able to provide this information is used.)

Regulation 2(5) replaces Schedule 1 to the 1988 Regulations with Schedule 1 to these Regulations. The new Schedule largely re-enacts the list contained in the former Schedule 1, but it assigns some postcodes from existing stations to seven new weather stations: Dunstaffnage, Keele, Mona, Rothamsted, Tredegar, Hawarden Airport and Capel Curig and transfers some postcodes to different weather stations.

Regulation 2(6) replaces Schedule 2 to the 1988 Regulations with Schedule 2 to these Regulations. The new Schedule adds ten Meteorological Office Stations in column (1) and omits Shawbury. Related changes are made to column (2).

The Postcode Atlas of Great Britain and Northern Ireland and the postcode maps may be obtained from their publishers. A person may establish the current postcode for his or her address by contacting the Royal Mail Postcode Enquiries Office (telephone 0906 302 1222 – Monday to Friday 8 a.m. to 6 p.m. – or 08457 111 222) or through the Royal Mail website at www.royalmail.com.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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