

2013 No. 248

SOCIAL SECURITY

**The Social Fund Cold Weather Payments (General) Amendment
Regulations 2013**

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| <i>Made</i> - - - - | <i>7th February 2013</i> |
| <i>Laid before Parliament</i> | <i>11th February 2013</i> |
| <i>Coming into force</i> - - | <i>1st November 2013</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) 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 and commencement

1.—(1) These Regulations may be cited as the Social Fund Cold Weather Payments (General) Amendment Regulations 2013.

(2) They come into force on 1st November 2013.

Amendment of the Social Fund Cold Weather Payments (General) Regulations 1988

2.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988(c) are amended as follows.

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

(a) before the definition of “the Act” insert—

““the 2012 Act” means the Welfare Reform Act 2012(d);”;

(b) in the definition of “claimant”(e) for “or income-related employment and support allowance” substitute “, income-related employment and support allowance or universal credit”;

(c) after the definition of “station” insert—

““universal credit” means universal credit under Part 1 of the 2012 Act;”.

(3) In regulation 1A(2) (prescribed description of persons)(f)—

(a) 1992 c. 4. 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).

(c) S.I. 1988/1724.

(d) 2012 c. 5.

(e) The definition of “claimant” was substituted by S.I. 1991/2238 and amended by S.I. 2005/2724 and S.I. 2008/1554.

(f) Regulation 1A is inserted by S.I. 1991/2448 and substituted by S.I. 2010/2442.

- (a) omit the word “or” between sub-paragraphs (c) and (d);
- (b) at the end of sub-paragraph (d) add—
 - “; or
 - (e) universal credit.”.
- (4) In regulation 1A(3)—
 - (a) for “(c) or (d)” substitute “(c), (d) or (e)”;
 - (b) omit the word “or” between sub-paragraphs (d) and (e);
 - (c) after sub-paragraph (e) add—
 - “; or
 - (f) where P has been awarded universal credit—
 - (i) the award includes an amount under section 10(2) of the 2012 Act (child or qualifying young person who is disabled); or
 - (ii) the award includes an amount under section 12(1) of the 2012 Act in respect of the needs or circumstances specified in section 12(2)(a) or (b) (limited capability for work or limited capability for work and work-related activity) or would do so if it did not include an amount in respect of the needs or circumstances specified in section 12(2)(c) (caring responsibilities for a severely disabled person).”.
- (5) After regulation 1A(4) insert—

“(4A) In relation to a person who has been awarded universal credit, the third condition applies as if paragraph (4)(d) were omitted.”.
- (6) At the end of regulation 1A add—

“(6) The fourth condition, which applies only where the person has been awarded universal credit and their award of universal credit does not include an amount under section 10(2) of the 2012 Act (child or qualifying young person who is disabled) is that—

 - (a) in a case where a cold weather payment is payable in relation to a recorded period of cold weather as mentioned in regulation 2(1)(a)(i)(a), the person was not in employment or gainful self-employment on any day during that period; or
 - (b) in a case where a cold weather payment is payable in relation to a forecasted period of weather as mentioned in regulation 2(1)(a)(ii), the person is not in employment or gainful self-employment on the day when the Meteorological Office supplies the Department for Work and Pensions with the forecast.
- (7) For the purpose of paragraph (6)—
 - (a) “employment” means employment under a contract of service, or in an office, including an elective office;
 - (b) a person is in gainful self-employment where—
 - (i) they are carrying on a trade, profession or vocation as their main employment;
 - (ii) their earnings from that trade, profession or vocation are treated as self-employed earnings for the purpose of regulations made under section 8(3) of the 2012 Act; and
 - (iii) the trade, profession or vocation is organised, developed, regular and carried on in expectation of profit.”.

(a) Regulation 2(1)(a) is amended by S.I. 1992/2448. Other amendments have been made which are not relevant to these Regulations.

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

7th February 2013

Steve Webb
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2(2) and (3) ensure that persons in receipt of universal credit may be entitled to a cold weather payment.

Regulation 2(4) and (5) make further amendments to ensure that the principal Regulations apply correctly in relation to the entitlement to cold weather payments of those who are in receipt of universal credit.

Regulation 2(6) provides that there is no entitlement to a cold weather payment where a person in receipt of universal credit has been in employment or gainful self-employment for any of the days during a seven day recorded period of cold weather, or where the period of cold weather is forecasted, on the day when the Meteorological Office supplies the Department for Work and Pensions with the forecast. There is an exception where the claimant is in receipt of an additional amount of universal credit in respect of a disabled child or qualifying young person.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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STATUTORY INSTRUMENTS

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