EXPLANATORY MEMORANDUM TO

THE COVID-19 HEATING PAYMENT SCHEME (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2021

S.R. 2021 No. 045

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly under the negative resolution procedure.

1.2. These Regulations are made under sections 1(2), 3(1)(a), (d) and (e) of the Financial Assistance Act (Northern Ireland) 2009.

2. Purpose

2.1. These Regulations provide that the eligibility for the Covid-19 Heating Payment Scheme Regulations (Northern Ireland) 2021 (S.R. 2021 No. 1) is extended to include persons in receipt of benefits which are deemed to overlap with the social security benefits already included in the eligibility criteria for the Covid-19 Heating Payment Scheme. The additional benefits to be included are:

- industrial injuries disablement benefit claimants who are in receipt of constant attendance allowance;
- war pension claimants who are in receipt of constant attendance allowance;
- war pensions mobility supplement; and
- armed forces independence payment.

2.2. The Regulations also provide that the date for accepting applications, from persons eligible for a payment but who do not receive the payment automatically, is extended to 30th June 2021.

3. Background

Legislative Context

3.1. New legislation will be required to amend the scheme. It is intended to bring forward legislation under the Financial Assistance Act and the Department shall require the approval of the First Minister and deputy First Minister.

3.2. The Financial Assistance Act (Northern Ireland) 2009 gives (i) the First Minister and deputy First Minister, acting jointly, authority to designate a department to make and publish a scheme to provide financial assistance to people when exceptional circumstances exist and (ii) provides that the

Regulations, made under section 1(4) by virtue of a designation under subsection (3)(a), require the approval of The Executive Office.

3.3. The Department has determined that exceptional circumstances exist as a result of the impact of increased household energy costs due to the Covid-19 pandemic. The First Minister and deputy First Minister has designated the Department for Communities to deliver a scheme to provide financial assistance. The financial assistance payment shall be known as the Covid-19 Heating Payment.

4. Consultation

4.1. These are emergency regulations in response to the Covid-19 pandemic. Given the urgency of these regulations the Department for Communities has not undertaken a public consultation.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. There is no, or no significant, impact on business, charities or voluntary bodies or on the public sector.

7. Financial Implications

7.1. A package of measures are being taken forward by the Executive to support people during the Covid-19 pandemic. This scheme will provide support of approximately £44.3 million to older people and people with disabilities through a one-off Covid-19 heating payment.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department is content that the statutory rule complies with section 24 of the Northern Ireland Act 1998 (Convention rights, etc.).

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. There is no equivalent legislation in GB. This statutory rule applies to Northern Ireland only.

11. Additional Information

11.1. Not applicable.