STATUTORY RULES OF NORTHERN IRELAND

2021 No. 1

FINANCIAL ASSISTANCE

The Covid-19 Heating Payment Scheme Regulations (Northern Ireland) 2021

Made - - - -	*4th January 2021*
Coming into operation -	*25th January 2021*

The First Minister and deputy First Minister, acting jointly, made on 03rd December 2020 a determination under section 1(1) of the Financial Assistance Act (Northern Ireland) 2009(**a**); and, acting jointly, they have designated the Department for Communities(**b**) as the relevant department under section 1(3)(a) of that Act.

Accordingly, the Department for Communities, makes the following Regulations in exercise of the powers conferred by sections 1(2), 3 and 4 of that Act.

In accordance with section 1(4) of that Act, the Executive Office(**c**) approves the making of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Covid-19 Heating Payment Scheme Regulations (Northern Ireland) 2021 and shall come into operation on 25th January 2021.

Covid-19 Heating Payment Scheme (Northern Ireland)

2. The Department for Communities makes the Scheme set out in the Schedule.

(**a**) 2009 c. 2 (N.I.)
(**b**) Formerly the Department for Social Development; see section 1(7) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5(N.I.))
(**c**) Formerly the Office of the First Minister and deputy First Minister; see section 1(1) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5(N.I.))

Sealed with the Official Seal of the Department for Communities on 4th January 2021

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

The Executive Office approves these Regulations.
Sealed with the Official Seal of the Executive Office on 4th January 2021

(L.S.)

Neill Jackson
A senior officer of the Executive Office

SCHEDULE

Regulation 2

Covid-19 Heating Payment Scheme (Northern Ireland) 2021

Citation and interpretation

1.—(1) This Scheme may be cited as the Covid-19 Heating Payment Scheme (Northern Ireland) 2021.

(2) In this Scheme:—

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**);

"the 2015 Order" means the Welfare Reform (Northern Ireland) Order 2015(**b**);

"the Department" means the Department for Communities;

"a Covid-19 heating payment" means financial assistance provided under this Scheme;

"attendance allowance" means attendance allowance under section 64 of the 1992 Act;

"care home" means an establishment that provides accommodation together with nursing or personal care for adults or children;

"disability living allowance" means disability living allowance under section 71 of the 1992 Act;

"discretionary support award" means discretionary support award under the Discretionary Support Regulations (Northern Ireland) 2016(**c**);

"employment and support allowance" means employment and support allowance under section 1 of the Welfare Reform Act (Northern Ireland) 2007(**a**);

(**a**) 1992 c. 7 (N.I.) Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**b**) S.I. 2015/2006 (N.I. 1)
(**c**) S.R. 2016 No. 270

"housing benefit" means housing benefit under section 129 of the 1992 Act;

"income support" means income support under section 123 of the 1992 Act;

"jobseekers allowance" means jobseekers allowance under Article 3 of the Jobseekers (Northern Ireland) Order 1995(**b**);

"personal independence payment" means personal independence payment under Part 5 of the 2015 Order;

"the qualifying week" means the week beginning with (and including) Monday 30th November 2020 and ending on Sunday 06th December 2020;

"social security information" means information held by or on behalf of the Department and obtained as a result of, or for the purpose of, the exercise of the Department's functions in relation to social security;

"the standard rate" means a single payment of £200;

"state pension credit" means state pension credit under the State Pension Credit Act (Northern Ireland) 2002(**c**);

"universal credit" means universal credit under Part 2 of the 2015 Order.

Eligibility

2.—(1) A person is not eligible for a Covid-19 heating payment at the standard rate unless they were in receipt of—

(a) the higher rate of attendance allowance (payable under section 65(3) of the 1992 Act); or

(b) the highest rate of the care component or the higher rate of the mobility component (or both) of disability living allowance (payable under sections 72(4)(a) and 73(11)(a) of the 1992 Act); or

(c) the enhanced rate of the daily living component or the enhanced rate of the mobility component (or both) of personal independence payment (payable under Articles 83(2) and 84(2) of the 2015 Order); or

(d) state pension credit

on any one day during the qualifying week, and on that day were ordinarily resident in Northern Ireland.

(2) Only one Covid-19 heating payment shall be payable under this scheme in respect of any person.

(3) A person who is resident in a care home shall not be eligible for a payment under this scheme.

Recovery

3. The Department may recover any payment made in error.

Delayed payment

4.—(1) A person who is eligible for a Covid-19 heating payment, and has not received it by 15th February 2021, may apply for a payment.

(2) An application under sub-paragraph (1) must—

(a) be made in writing to the Department or by telephone to 0800 587 0892 (for pension credit claimants), 0800 587 0912 (for attendance allowance and disability living allowance claimants) or 0800 587 0932 (for personal independence payment claimants);

(**a**) 2007 c. 2 (N.I.)
(**b**) S.I. 1995/2705 (N.I. 15)
(**c**) 2002 c. 14 (N.I.)

(b) be received by the Department before 30th April 2021; and

(c) specify—

(i) the applicant's name, address, date of birth and national insurance number; and

(ii) the benefits that the applicant was in receipt of during the qualifying week.

(3) If the Department is satisfied that a person making an application under sub-paragraph (1) is eligible for a Covid-19 heating payment and has not already received such a payment, the Department shall make that payment.

Appeals

5. There will be no right of appeal.

Payment to be disregarded for social security

6.—(1) No account shall be taken of eligibility for a Covid-19 heating payment in considering a person's entitlement to a Social Fund payment, a discretionary support award or a payment under any of the following social security benefits:

(a) income support;

(b) jobseekers allowance;

(c) employment and support allowance;

(d) housing benefit (working age);

(e) housing benefit (state pension credit age);

(f) universal credit; or

(g) state pension credit.

(2) This payment may be taxable.

Information

7. The Department may use social security information for the purpose of determining whether a person is eligible for a Covid-19 heating payment.

Provision of Covid-19 Heating payment

8. The Department shall make Covid-19 heating payments under the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for payments ("Covid-19 heating payments") to be made to eligible persons under the Covid-19 Heating Payment Scheme (Northern Ireland) 2021.

Regulation 2 provides that the Covid-19 Heating Payment Scheme (Northern Ireland) 2021 is set out in the Schedule to the Regulations.

Schedule

Paragraph 2 provides that to be eligible for a Covid-19 heating payment at the standard rate (£200), a person must have been in receipt of attendance allowance (higher rate), disability living allowance (highest rate care and/or higher rate mobility components), personal independence payment (enhanced rate of the daily living and/or mobility components) or state pension credit; on any one day during the qualifying week beginning with (and including) Monday 30th November 2020 and ending on Sunday 06th December 2020; and on that day were ordinarily resident in Northern Ireland.

Paragraph 3 provides that the Department may recover any payment made in error.

Paragraph 4 provides that persons who are eligible for a Covid-19 heating payment but do not receive it before 15th February 2021 may apply for the payment from the Department for Communities by 30th April 2021. If the Department is satisfied that the applicant was eligible for a Covid-19 heating payment during the qualifying week, the Department shall make the payment.

Paragraph 5 provides that there is no right of appeal.

Paragraph 6 provides that no account shall be taken of eligibility for a Covid-19 heating payment when considering a person's entitlement to a social fund payment, a discretionary support award or a payment under income support, jobseekers allowance, employment and support allowance, housing benefit (working age and state pension age), universal credit or state pension credit.

Paragraph 7 provides that the Department for Communities may use social security information for the purpose of determining eligibility for a Covid-19 heating payment.

Paragraph 8 provides that the Department for Communities shall make payments under the Covid-19 Heating Payment Scheme.

This Scheme will apply to Northern Ireland only.

A regulatory impact assessment has not been produced for the Regulations as they have no impact on the costs of business.

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