EXPLANATORY MEMORANDUM TO

THE EMERGENCY FUEL PAYMENT (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2025

S.R. 2025 No. 45

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 and 4 of the Financial Assistance Act (Northern Ireland) 2009.

2. Purpose

2.1. These Regulations amend the Emergency Fuel Payment Regulations (Northern Ireland) 2025 (S.R. 2025 No. 23) ("the 2025 Regulations") to correct a drafting error in those Regulations.

2.2. Paragraph 2(2) of Schedule 1 to the 2025 Regulations provides that to be eligible for an Emergency Fuel Payment a person must be (a) ordinarily resident in Northern Ireland and (b) is someone not entitled to a Social Fund Winter Fuel Payment. Similarly, paragraph 2(3) outlines the eligibility criteria for persons habitually resident in any of the countries listed in Schedule 2 to the 2025 Regulations.

2.3. It was the Department's intention to include provision in paragraph 2(3) which mirrors that found in paragraph 2(2)(b). Amongst other criteria, eligibility for the Emergency Fuel Payment depends on whether or not a person is entitled to a Social Fund Winter Fuel Payment. Anyone eligible for a Social Fund Winter Fuel Payment should be ineligible for an Emergency Fuel Payment. The provision intended to replicate paragraph 2(2)(b) within sub-paragraph (3) was erroneously omitted during the drafting process. Paragraph 2(3) of Schedule 1 to the 2025 Regulations is therefore amended to correct the error and insert the appropriate provision.

2.4. Additionally, the Department's intention was that the Emergency Fuel Payment Scheme is restricted to eligible claimants who can show a genuine and sufficient link to Northern Ireland. Accordingly, paragraph 2(3)(c) of Schedule 1 to the 2025 Regulations is amended to substitute "United Kingdom" with "Northern Ireland", with a caveat that an applicable Northern Ireland postal address as determined by official government pension records is required.

3. Background

Legislative Context

3.1. New legislation was required for the delivery of a new Emergency Fuel Payment Scheme. The 2025 Regulations were brought forward under the Financial Assistance Act with 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 on Northern Ireland pensioners of the UK Government's decision to means-test the Social Fund Winter Fuel Payment. The First Minister and deputy First Minister has designated the Department for Communities to deliver a scheme to provide financial assistance.

3.4. The financial assistance payment shall be known as the Emergency Fuel Payment, which may also be referred to as the Pension Age Fuel Support Payment for Northern Ireland.

Objective of the Emergency Fuel Payment Scheme

3.5. An Emergency Fuel Payment Scheme is designed to provide financial support by way of a one-off payment to the pensioners who would otherwise qualify for a Social Fund Winter Fuel Payment were it not for the new stipulation that claimants be in receipt of a means-tested benefit.

3.6. These payments will be made to each eligible pensioner to help them adequately heat their homes. The one-off payment will be made to all pensioners in Northern Ireland who are not in receipt of Pension Credit or other means tested benefits.

3.7. To have the greatest impact, payments should be made when needed most. The Department proposes making the payment by the end of March 2025, thereby providing direct and immediate financial support to meet energy costs at the time these are likely to be highest.

3.8. By ensuring those eligible have support to meet costs at the time that they need it, the Department will be reducing the financial burden they experience as a consequence of missing out on a Social Fund Winter Fuel Payment and supporting them to maintain their physical and mental health and wellbeing.

3.9. If a person doesn't receive a payment which they believe they're eligible for then they can apply to the Department for a delayed payment. The Department will make a payment if the eligibility criteria are satisfied. The Department will consider any complaints, under normal complaints

procedures, in the event that any person does not receive a payment which they believe they should have received.

4. Consultation

4.1. These are emergency Regulations in response to changes made to the eligibility criteria for Social Fund Winter Fuel Payments, and to promptly correct some errors in the provisions for eligibility criteria found in the 2025 Regulations. 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. The Emergency Fuel Payment scheme will provide support of approximately £18 million to eligible persons in Northern Ireland who would otherwise qualify for a Social Fund Winter Fuel Payment were it not for the new stipulation that claimants be in receipt of a means-tested benefit.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers the Statutory Rule to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

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

11. Additional Information

11.1. Not applicable.