STATUTORY RULES OF NORTHERN IRELAND

2025 No. 23

FINANCIAL ASSISTANCE

The Emergency Fuel Payment Regulations (Northern Ireland) 2025

Made - - - -	*10th February 2025*
Coming into operation -	*3rd March 2025*

The First Minister and deputy First Minister, acting jointly, made on 17th December 2024 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 Emergency Fuel Payment Regulations (Northern Ireland) 2025 and shall come into operation on 3rd March 2025.

Emergency Fuel Payment Scheme

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

(**a**) 2009 c. 2 (N.I.)
(**b**) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 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 10th February 2025

(L.S.)

David Tarr
A senior officer of the Department for Communities

The Executive Office approves these Regulations.
Sealed with the Official Seal of the Executive Office on 10th February 2025

(L.S.)

Caroline Gillan
A senior officer of the Executive Office

SCHEDULE 1

Regulation 2

Emergency Fuel Payment Scheme (Northern Ireland) 2025

Citation and interpretation

1.—(1) This Scheme may be cited as the Emergency Fuel Payment Scheme (Northern Ireland) 2025.

(2) In this Scheme:—

"couple" means—

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;

"Emergency Fuel Payment" means a payment made under Paragraph 2 of Schedule 1 to this Scheme;

"free in-patient treatment" is to be construed in accordance with regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005(**a**);

"independent hospital" has the meaning assigned to it by Article 2(**b**) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

"nursing home" has the meaning assigned to it by Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**c**);

(**a**) S.R. 2005 No. 580

(**b**) Article 2 was amended by paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

(**c**) S.I. 2003/431 (N.I. 9); Article 11 was amended by paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1)

"pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(**a**);

"polygamous marriage" means any marriage which took place under the laws of a country which permits polygamy where—

(a) any member of the marriage is for the time being married to more than one person; and

(b) all the members of the marriage are members of the same household;

"qualifying week" means in respect of the week from 16th to 22nd September 2024;

"residential care" means, disregarding any period of temporary absence, a person residing in—

(a) a nursing home;

(b) an independent hospital; or

(c) accommodation provided under section 3(1) of the Polish Resettlement Act 1947(**b**);

"Social Fund Winter Fuel Payment" means a payment made under regulation 2 of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2024(**c**);

"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;

"withdrawal agreement", "EEA EFTA separation agreement" and "Swiss citizens' rights agreement" have the same meanings as in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(**d**).

Eligibility

2.—(1) Subject to paragraph 4 the Department must pay an Emergency Fuel Payment to a person where—

(a) that person has reached pensionable age in or before the qualifying week; and

(b) in respect of any day falling within the qualifying week, sub-paragraph (2) or (3) applies to the person.

(2) This sub-paragraph applies if the person is—

(a) ordinarily resident in Northern Ireland, and

(b) not entitled to a Social Fund Winter Fuel Payment.

(3) This sub-paragraph applies if the person is—

(a) habitually resident in any of the countries listed in Schedule 2;

(b) covered by—

(i) Title III of Part 2 of the withdrawal agreement, as set out at Article 30 of that agreement(**e**);

(ii) Title III of Part 2 of the EEA EFTA separation agreement, as set out at Article 29 of that agreement(**f**);

(iii) Part Three of the Swiss citizens' rights agreement, as set out at Article 25 of that agreement(**g**); or

(**a**) 1995 No. 3213 (N.I. 22)
(**b**) 1947 c.19
(**c**) S.R. 2024 No. 160
(**d**) 2020 c. 1; amended by S.I. 2024/164
(**e**) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862063/TS3202_1.PDF
(**f**) https://assets.publishing.service.gov.uk/media/5dfb9c03ed915d1f8f269b58/WAB_Fact_Sheet_-_EEA_EFTA.pdf
(**g**) https://assets.publishing.service.gov.uk/media/5c77e524ed915d29df8f9f59/CS_Swiss_5.2019_Citizens.pdf

(iv) the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland signed at Dublin on 1st February 2019, as set out in Article 2 of that Convention(**a**); and

(c) able to demonstrate a genuine and sufficient link to the United Kingdom.

(4) Only one Emergency Fuel Payment shall be payable under this Scheme in respect of any person.

Amount of Emergency Fuel Payment

3. The amount of an Emergency Fuel Payment is as follows—

(a) if the person is the only member of the household eligible for an Emergency Fuel Payment as set out in paragraph 2 of this Schedule, £100;

(b) if the person during the qualifying week is living with a person to whom an Emergency Fuel Payment has been, or falls to be, made in respect of the winter following the qualifying week, £50;

(c) if the person is living in residential care throughout the qualifying week, and for the period of 12 weeks immediately before the qualifying week, £50; or

(d) if the person is living in residential care throughout the qualifying week, and for a period of less than 12 weeks immediately before the qualifying week, £100.

Persons not entitled to an Emergency Fuel Payment

4.—(1) Paragraph 2 of this Schedule does not apply in respect of a person who—

(a) throughout the qualifying week, is—

(i) one member of a couple where the Department has paid a Social Fund Winter Fuel Payment in respect of the qualifying week to the other member of that couple;

(ii) a member of a polygamous marriage where the Department has paid a Social Fund Winter Fuel Payment in respect of the qualifying week to another member of that marriage;

(iii) receiving free in-patient treatment and has been receiving free in-patient treatment for a period of at least 52 weeks ending immediately before the qualifying week; or

(iv) detained in custody under a sentence imposed by a court.

(b) having been ordinarily resident in Northern Ireland on a day falling within the qualifying week, becomes ordinarily resident in England and Wales or Scotland by the last day of that week; or

(c) has not made an application for a delayed Emergency Fuel Payment under paragraph 6 on or before 11th April following the qualifying week in respect of the winter following that week.

Recovery

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

Delayed payment

6.—(1) A person who is eligible for an Emergency Fuel Payment, and has not received it by 11th April 2025, may apply for a payment.

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

(**a**) https://assets.publishing.service.gov.uk/media/5c629e1ee5274a31522b14be/CS_Ireland_1.2019_Soc_Sec.pdf

(a) be made in writing to the Department or by telephone to the relevant telephone numbers published on the NI Direct website;

(b) be received by the Department by 30th June 2025; and

(c) specify the applicant's name, address, date of birth and national insurance number.

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

Appeals

7. There will be no right of appeal.

Payment to be disregarded for social security

8. The Emergency Fuel Payment shall be disregarded for social security benefits purposes.

Information

9. The Department may use social security information for the purpose of determining whether a person is eligible for an Emergency Fuel Payment.

SCHEDULE 2

Regulation 2

Countries

Countries	
Republic of Austria	Republic of Latvia
Kingdom of Belgium	the Principality of Liechtenstein
Republic of Bulgaria	Republic of Lithuania
Republic of Croatia	Grand Duchy of Luxembourg
Czech Republic	Kingdom of the Netherlands
Kingdom of Denmark	Kingdom of Norway
Republic of Estonia	Republic of Poland
Republic of Finland	Romania
Federal Republic of Germany	Slovak Republic
Hungary	Republic of Slovenia
Iceland	Kingdom of Sweden
Republic of Ireland	Swiss Confederation
Italian Republic	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for payments ("Emergency Fuel Payments") to be made to eligible persons under the Emergency Fuel Payment Scheme (Northern Ireland) 2025.

Regulation 2 provides that the Emergency Fuel Payment Scheme (Northern Ireland) 2025 is set out in the Schedule to the Regulations.

Schedule 1

Paragraph 2 provides that to be eligible for an Emergency Fuel Payment, a person must have—

–reached pensionable age in or before the qualifying week;

–be ordinarily resident in Northern Ireland;

–and is not entitled to a Social Fund Winter Fuel Payment in respect of winter 2024/25.

Paragraph 3 provides for the amount of Emergency Fuel Payment to be paid by the Department to eligible persons.

Paragraph 4 provides that a person who has reached pensionable age in or before the qualifying week is not eligible for an Emergency Fuel Payment if they are—

–one member of a couple where the Department has paid a Social Fund Winter Fuel Payment in respect of the qualifying week to the other member of that couple;

– a member of a polygamous marriage where the Department has paid a Social Fund Winter Fuel Payment in respect of the qualifying week to another member of that marriage;

– receiving free in-patient treatment and has been receiving free in-patient treatment for a period of at least 52 weeks ending immediately before the qualifying week; or

– detained in custody under a sentence imposed by a court.

Paragraph 5 provides that the Department may recover any payment made in error.

Paragraph 6 provides that persons who are eligible for an Emergency Fuel Payment but do not receive it by 11th April 2025 may apply for the payment from the Department for Communities by 30th June 2025. If the Department is satisfied that the applicant was eligible for an Emergency Fuel Payment during the qualifying week, the Department shall make the payment.

Paragraph 7 provides that there is no right of appeal.

Paragraph 8 provides that an Emergency Fuel Payment may be disregarded for social security benefits purposes.

Paragraph 9 provides that the Department for Communities may use social security information for the purpose of determining eligibility for an Emergency Fuel Payment.

Schedule 2

The Table in Schedule 2 provides a list of applicable countries in which a person may be habitually resident and eligible for an Emergency Fuel Payment if able to show a genuine and sufficient link to the United Kingdom.

This Scheme, which may also be referred to as the Pension Age Fuel Support Payment for Northern Ireland, 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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