EXPLANATORY MEMORANDUM TO

THE ENERGY PAYMENT SUPPORT SCHEME (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2022

S.R. 2022 No. 88

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) and 3(1)(e), (h) and (i) of the Financial Assistance Act (Northern Ireland) 2009.

2. Purpose

2.1. These Regulations will insert a provision into the Energy Payment Support Scheme Regulations (Northern Ireland) 2022 (S.R. 2022 No. 28) which will allow for Energy Payments to be disregarded for social security benefit purposes.

3. Background

Legislative Context

3.1. The Department had requested permission from Her Majesty's Treasury (HMT) to allow for the Energy Payment to be disregarded for social security benefit purposes. However, at the time of laying the original regulations for the scheme, the Department had not yet received HMT approval and therefore was unable to include the disregard provision in the original regulations. That approval has since been received and an amendment is now required to the Energy Payment Support Scheme to include the provision which will allow for Energy Payments to be disregarded for social security benefit purposes.

4. Consultation

4.1. These are emergency regulations in response to the increase in wholesale energy prices. 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 conducted a screening exercise on proposals for the Energy Payment Support Scheme and concluded that it does not have

significant implications for equality of opportunity and considered that an equality impact assessment was not necessary. The EQIA screening does not need reviewed in light of the proposed amendment.

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. This scheme will provide support of £55 million to groups on low incomes who are in receipt of specified benefits through a one-off Energy Payment.

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 GB. This statutory rule applies to Northern Ireland only.

11. Additional Information

11.1. Not applicable.