EXPLANATORY MEMORANDUM TO

The Fuel Payments Scheme (Patients Receiving Treatment for Cancer) Regulations (Northern Ireland) 2012

SR 2012 No. 141

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Financial Assistance Act (Northern Ireland 2009 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Financial Assistance Act (Northern Ireland) 2009 enables the First and deputy First Minister to designate Northern Ireland Departments to make, by regulation, schemes for the provision of financial assistance where it has been determined that
(a) exceptional circumstances exist;
(b) it is desirable to provide financial assistance to prevent, mitigate any aspect or effect of those circumstances, and
(c) such assistance ought to be provided in accordance with a scheme or schemes.

2.2. The Department of Health, Social Services & Public Safety has been designated to make a scheme for provision of such assistance to those receiving treatment for cancer.

3. Background

3.1. The First Minister and deputy First Minister have determined that exceptional circumstances exist in relation to vulnerable individuals as a result of the impact of increased household energy costs including on those who are already likely to experience high levels of fuel poverty. The delivery of a fuel poverty payment in 2001/12 has been identified as a key priority to the Social Protection Fund by Ministers and would aim to provide a one off financial assistance payment towards fuel costs during the winter to the most vulnerable target groups; low income families, pensioners and those receiving treatment for cancer.

4. Consultation

4.1. The First Minister and deputy First Ministers have determined that exceptional circumstances exist in relation to vulnerable individuals as a result of the impact of increased household energy costs including on those who are already likely to experience high levels of fuel poverty. The delivery of a fuel poverty scheme this year has been identified as a key priority of the Social Protection Fund by Ministers and would aim to provide a one off financial assistance payment towards fuel costs this winter to the most vulnerable target groups; low income families,

pensioners and those receiving treatment for cancer. No consultation was undertaken by OFMDFM on this proposal.

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 of the proposals. It has concluded that the proposals do not have significant implications for equality of opportunity and therefore considers that an Equality Impact Assessment is not necessary.

6. Regulatory Impact

6.1. The proposed Scheme would not impose any additional costs on business, charities or voluntary bodies and in these circumstances is not required.

7. Financial Implications

7.1. The Department of Health, Social Services and Public Safety has estimated that approximately 6,000 patients being treated for cancer would be eligible and agree to receive a payment. This cost is covered by the Social Protection Fund. The cost of any payments above this number of patients will be met by the Department of Health, Social Services and Public Safety.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the proposed Scheme:

- is not incompatible with Convention rights (as defined in section 1 of the Human Rights Act 1998);
- is not incompatible with Community law;
- does not discriminate against a person or class of person on the grounds of religious belief or political opinion; and
- does not modify an enactment in breach of the European Communities Act 1972, the Human Rights Act 1998 or certain sections of the Northern Ireland Act.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The proposed Scheme is unique to Northern Ireland

11. Additional Information

11.1. Not applicable