EXPLANATORY MEMORANDUM TO

THE SOCIAL FUND COLD WEATHER PAYMENTS (GENERAL) AMENDMENT (NO.2) REGULATIONS 2015

2015 No. 1662

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument, following advice from the Meteorological Office, substitutes two primary weather stations and makes other minor technical changes to the Social Security (Cold Weather Payments) Regulations 1988 (S.I 1988/1724) http://lawvolumes.dwp.gov.uk/docs/a6-6645.pdf ("the principal Regulations") to ensure that the most appropriate weather station is used to determine a claimant's eligibility for a cold weather payment.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 The Cold Weather Payments scheme has operated broadly in the same way since 1991. Each year the scheme is reviewed, expert advice sought from the Meteorological Office, and where necessary, changes are made prior to the start of the next winter season to ensure that postcodes are linked to the most appropriate weather station.

4.2 This instrument amends the principal Regulations to reflect the outcome of the annual review by updating the lists of weather stations and linked postcode districts, as well as associated alternative weather stations.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 Cold weather payments provide financial help for vulnerable groups of people who are most likely to be susceptible to the cold and who are in receipt of one of the following income replacement benefits – State Pension Credit, Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance and Universal Credit. Payments are to meet heating costs incurred, or likely to be incurred, during periods of cold weather. A period of cold weather means a period when the average of the mean daily temperature for a period of seven consecutive days at a given weather station is recorded as, or is forecast to be, 0 degrees Celsius or below.

7.2 Each residential postcode in Great Britain is linked to one of 93 weather stations used in the scheme. The Met Office calculates rolling seven day average temperatures for each of the weather stations during the period 1 November to 31 March in each year. It notifies the Department for Work and Pensions when a weather station records, or forecasts, an average temperature of 0 degrees Celsius or below over a seven day period. Following a notification from the Met Office, the Department makes a payment to eligible persons in the postcode areas linked to the weather station.

7.3 Every year the principal Regulations are amended following expert advice from the Met Office about the continued availability of any weather station and whether any new stations should be introduced into the scheme. The Met Office also considers any representations from Members of Parliament made since the previous winter about the suitability of postcode to weather station links affecting constituents.

7.4 This instrument provides for revised postcode to weather station links and additional alternative weather stations.

7.5 The rate of a cold weather payment remains at £25. This rate was a temporary increase (from £8.50) for winters 2008/9 and 2009/10 and made permanent for winter 2010/11 and subsequent winters.

- Consolidation

7.6 "Informal consolidated text of instruments is available to the public free of charge via 'The Law Relating to Social Security' (Blue Volumes) on the Department for Work and Pensions website at http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/ or the National Archive website legislation.gov.uk. An explanation as to which instruments are maintained on each site is available here."

8. Consultation outcome

The Regulations made by this instrument represent no policy shift. They enable the Department to continue the long-standing practice of linking postcodes to weather stations to determine eligibility to cold weather payments. In this context, no consultation was considered necessary. A draft of the Regulations has been considered by the Social Security Advisory Committee. The Committee is content with them and has not referred them for consultation.

9. Guidance

As the changes are minor, no additional guidance will be issued. Before the Regulations come into force, a bulletin will be provided to Department for Work and Pensions decision makers to inform them of the changes.

10. Impact

10.1 The impact on business and civil society organisations is nil.

10.2 The impact on the public sector is negligible.

10.3 A full impact assessment has not been published for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

As the changes are minor there are no plans to monitor them specifically. However, the Cold Weather Payments scheme is reviewed annually by the Department for Work and Pensions in consultation with the Met Office.

13. Contact

The Social Fund Policy Team at the Department for Work and Pensions (email: socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk
or telephone 0114 294 8413) can answer any queries about this instrument.