EXPLANATORY MEMORANDUM TO

THE SOCIAL FUND COLD WEATHER PAYMENTS (GENERAL) AMENDMENT REGULATIONS 2012

2012 No. 2280

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, makes minor technical changes to the Cold Weather Payments 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 makes changes to the Social Fund Cold Weather Payments (General) Regulations 1988 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 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 who are most likely to be susceptible to the cold and are in receipt of one of the following income replacement benefits – Pension Credit, Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance. 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 92 weather stations used in the scheme. The Meteorological Office calculates rolling seven day average temperatures for each of the weather stations during the period 1 November to 31 March. It notifies the Department for Work and Pensions when a weather station records, or forecasts, an average temperature of 0 degrees Celsius over a seven day period. Following a notification from the Meteorological Office the Department makes a payment to eligible persons in the postcode areas linked to the weather station.

7.3 Every year the cold weather payments legislation is amended following expert advice from the Meteorological Office about the continued availability of any weather station and whether any new stations should be introduced into the scheme. The Meteorological 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 for the duration of this administration.

- ***Consolidation***

7.6 Informal consolidation of this instrument will be included in due course in the Department's "The Law relating to Social Security" (The Blue Volumes) which are available at no cost to the public in main libraries and on the internet at:
(http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security).

8. Consultation outcome

These draft Regulations 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. The draft Regulations have been considered by the Social Security Advisory Committee which 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 Meteorological Office.

13. Contact

Sangeeta Punj at the Department for Work and Pensions (email: socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk
or telephone 020 7449 5266) can answer any queries about this instrument.