EXPLANATORY MEMORANDUM TO

The Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2009

SR 2009 No. 342

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule makes amendments to the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 ("the principal Regulations").

3. Background

3.1. The amendment to the principal Regulations provides for everyone who is eligible to receive an increase in their Cold Weather Payment for winter 2009/2010, if the trigger is reached, from £8.50 to £25 per week of cold weather.

4. Consultation

4.1. The equivalent Great Britain Regulations were referred to the Social Security Advisory Committee and they agreed that the Regulations need not be formally referred.

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 on these legislative proposals and has concluded that the proposals do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

7. Financial Implications

7.1. It is estimated that maintaining the rate of £25.00 for Cold Weather Payments for winter 2009/10 will generate an estimated expenditure of £1.838 million. This estimate is based on the previous exceptional expenditure for 2008/09 resulting from that winter's severe cold spell.There is significant risk around the costings as they depend entirely upon the weather conditions.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Social Fund (Cold Weather Payments) (General) (Amendment) Regulations (Northern Ireland) 2009 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Regulations mirror the Great Britain Regulations and are in keeping with the principal of parity between Northern Ireland and Great Britain in social security matters.

11. Additional Information

11.1. Not applicable.