

**EXPLANATORY MEMORANDUM TO THE
THE SOCIAL FUND COLD WEATHER PAYMENTS (GENERAL)
AMENDMENT REGULATIONS 2004**

2004 No. 2600

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. **Description**
 - 2.1 This instrument amends the Social Fund Cold Weather Payments (General) Regulations 1988.
 - 2.2 Its provisions make minor technical changes to the scheme, following advice from the Meteorological Office, to ensure that postcodes are linked to the most appropriate weather station.
 - 2.3 The instrument also takes account of the introduction of Child Tax Credit and the subsequent ongoing transfer of support for children and other qualifying young persons from Income Support and income based Jobseeker's Allowance to Child Tax Credit. To maintain the policy intention of making Cold Weather Payments to people awarded Income Support or income based Jobseeker's Allowance who have disabled children, we have added to the list of eligible customers those who are receiving a disability element of Child Tax Credit
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Cold Weather Payments provide help to vulnerable people receiving Pension Credit, Income Support or income based Jobseeker's Allowance to meet heating costs incurred, or likely to be incurred, in cold weather. That is when the average of the 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.

- 4.2 Every residential postcode in the country is linked to one of the 73 weather stations used in the scheme. The Meteorological Office uses data from these weather stations to calculate a rolling seven day average temperature. DWP is then notified of any “triggers” so that payments can be made to eligible customers. The payment is currently £8.50 for each period of cold weather.
- 4.3 Every year the Cold Weather Payment legislation is amended following expert advice from the Meteorological Office about the continued availability of any weather station and whether any new stations are more suitable and should be introduced into the scheme. The Meteorological Office also consider the effect of any changes to the postcode system made by the Royal Mail and consider any representations from MPs made since the previous winter about the suitability of postcode to weather station links affecting their constituents.
- 4.4 Regulation 3 and the schedule of the instrument detail the revised postcode to weather station links.
- 4.5 One of the vulnerable groups eligible to receive Cold Weather Payments is Income Support or income based Jobseeker’s Allowance customers where there is a disabled child or other qualifying young person in the family. These families are identified in the legislation by reference to the inclusion of a disabled child premium as part of their Income Support or income based Jobseeker’s Allowance.
- 4.6 For new Income Support and income based Jobseeker’s Allowance customers from April 2004 support for children and other qualifying young persons has been provided by Child Tax Credit. Between October 2004 and March 2005 customers currently receiving support for children and other qualifying young persons as part of their Income Support or Income based Jobseeker’s Allowance will be migrated automatically onto Child Tax Credit. Customers with a disabled child premium will automatically receive the disability element of Child Tax Credit referred to in regulation 7(4) of the Child Tax Credit Regulations 2002.
- 4.7 Regulation 2 of the amendment regulations adds persons awarded Income Support or income based Jobseeker’s Allowance who are also awarded a disability element of Child Tax Credit to the list of those eligible to receive a Cold Weather Payment.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 The instrument is subject to a negative resolution and does not amend primary legislation and so does not come within a category in respect of which a Minister's view is required to be given.

7. Policy background

7.1 Cold Weather Payments provide help for vulnerable groups in receipt of Income Support or income based Jobseeker's Allowance during periods of cold weather.

7.2 The policy intention is that families with disabled children or other qualifying young persons are eligible for payment. Those families have been identified in the legislation as families in receipt of Income Support or income based Jobseeker's Allowance with a disability premium for a child or other qualifying young person as part of their applicable amounts.

7.3 By April 2005 amounts for children and other qualifying young persons will no longer be paid as part of Income Support or income based Jobseeker's Allowance. Support for children and other qualifying young persons (including additional amounts for those with disabilities) will be provided by Child Tax Credit. The policy intention is that those customers who receive Income Support or income based Jobseeker's Allowance with a disability element of Child Tax Credit in payment should be eligible for Cold Weather payments.

7.4 These regulations therefore add customers in receipt of Income Support or income based Jobseeker's Allowance together with a disability element of Child Tax Credit to the list of qualifying customers.

7.5 No formal consultation has taken place. The Social Security Advisory Committee did, however, consider the proposed amendments in September 2004 and agreed that they need not be formally referred to it.

8. Impact

8.1A Regulatory Impact Assessment has not been prepared for this instrument. No impact on the private or voluntary sector is foreseen. There is an operational cost, as staff will be required to produce clerical giro for customers who qualify for a Cold Weather Payment because they have a disabled child or other qualifying young person and support is being provided via Child Tax Credit. Other eligible customers are identified and paid automatically. It is difficult to judge what those costs will be as it depends on the severity of the winter. Based on last year's figures the

estimated volume is that 6270 giroes would have to be issued clerically. In a particularly cold winter the volumes could be much higher.

8.2 We are working to achieve a permanent IT based solution for next year.

9. Contact

9.1 David Wilyman at the Lone Parents and Partners Division of the Department for Work and Pensions Tel: 0113 23 24724 or e-mail: david.wilyman@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.