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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 159**

**FINANCIAL ASSISTANCE**

**The Fuel Allowance Payments Scheme  
Regulations (Northern Ireland) 2012**

*Made - - - - 20th March 2012*

*Coming into operation 20th March 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 1(2) and 3 of the Financial Assistance Act (Northern Ireland) 2009 **(1)**.

The Department for Social Development has been designated as a relevant department under section 1(3)(a) of that Act.

The Regulations are made with the approval of the Office of the First Minister and deputy First Minister.

**Citation and commencement**

1. These Regulations may be cited as the Fuel Allowance Payments Scheme Regulations (Northern Ireland) 2012 and shall come into operation on 20<sup>th</sup> March 2012.

**Fuel Allowance Payments Scheme (Northern Ireland) 2012**

2. The Department for Social Development makes the Scheme set out in the Schedule.

Sealed with the official seal of the Department for Social Development on 20<sup>th</sup> March 2012

*Heather Cousins*  
A senior officer of the Department for Social  
Development

## SCHEDULE

Regulation 2

### Fuel Allowance Payments Scheme (Northern Ireland) 2012

#### **Citation and interpretation**

1.—(1) This Scheme may be cited as the Fuel Allowance Payments Scheme (Northern Ireland) 2012.

(2) In this Scheme:—

“the Department” means the Department for Social Development;

“the higher rate” means a single payment of £100;

“a fuel allowance payment” means financial assistance provided under this Scheme;

“income support” means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(2)</sup>;

“the qualifying week” means the week beginning with (and including) Monday 12<sup>th</sup> December 2011 and ending with Sunday 18<sup>th</sup> December 2011;

“social security information” means information held by or on behalf of the Department and obtained as a result of, or for the purpose of, the exercise of the Department’s functions in relation to social security;

“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002<sup>(3)</sup>;

“the standard rate” means a single payment of £75.

#### **Eligibility**

2.—(1) A person is not eligible for a fuel allowance payment at the standard rate unless they were in receipt of:—

- (a) income support;
- (b) income-related employment and support allowance; or
- (c) income-based job seeker’s allowance

on any one day during the qualifying week.

(2) A person is not eligible for a fuel allowance payment at the higher rate unless they were in receipt of state pension credit on any one day during the qualifying week.

#### **Delayed payment**

3.—(1) A person who is eligible for a fuel allowance payment, and has not received it by 29<sup>th</sup> February 2012, may apply for a payment.

(2) An application under sub-paragraph (1) must:—

- (a) be in writing to the Department or by telephone to 0300 200 7870;
- (b) be received by the Department before 30<sup>th</sup> June 2012; and
- (c) specify:—

(i) the applicant’s name, address, date of birth and national insurance number;

(2) 1992 c. 7. Section 123 was amended by Schedules 2 and 3 to the Jobseekers (Northern Ireland) Order 1995 and paragraph 2 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002.

(3) 2002 c.14 (N.I.)

- (ii) the date on which the application is sent to the Department; and
- (iii) the benefits that the applicant is in receipt of.

(3) If the Department is satisfied that a person making an application under sub-paragraph (1) is eligible for a fuel allowance payment and has not already received such a payment, the Department shall make that payment.

#### **Payment to be disregarded for social security**

4. No account shall be taken of eligibility for a fuel allowance payment in considering a person's entitlement to a Social Fund payment or a payment under either of the following social security benefits:—

- (a) income support; or
- (b) state pension credit.

#### **Information**

5. The Department may use social security information for the purpose of determining whether a person is eligible for a fuel allowance payment.

#### **Provision of household fuel payments**

- 6. The Department shall make fuel allowance payments under the Scheme.

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for payments ("fuel allowance payments") to be made to eligible persons under the Fuel Allowance Payments Scheme (Northern Ireland) 2012.

Regulation 1 makes provision for citation and commencement.

Regulation 2 provides that the Fuel Allowance Payments Scheme (Northern Ireland) 2012 is set out in the Schedule to the Regulations.

Schedule

Paragraph 1 makes provision for citation and interpretation.

Paragraph 2 provides that to be eligible for a fuel allowance payment at the standard rate (£75), a person must have been in receipt of income support, income-related employment and support allowance or income-based job seeker's allowance during the qualifying week beginning with (and including) Monday 12<sup>th</sup> December 2011 and ending with Sunday 18<sup>th</sup> December 2011, and to be eligible for a fuel allowance payment at the higher rate (£100), a person must have been in receipt of state pension credit during the qualifying week.

Paragraph 3 provides that persons who are eligible for a fuel allowance payment but do not receive it before 29<sup>th</sup> February 2012 may apply for the payment from the Department for Social Development

by 30<sup>th</sup> June 2012. If the Department is satisfied that the applicant is eligible for a fuel allowance payment, the Department shall make the payment.

Paragraph 4 provides that no account shall be taken of eligibility for a fuel allowance payment when considering a person's entitlement to income support or state pension credit.

Paragraph 5 provides that the Department may use social security information for the purpose of determining eligibility for a fuel allowance payment.

Paragraph 6 provides that the Department for Social Development shall make payments under the Fuel Allowance Payments Scheme.

The Regulations apply to Northern Ireland only.

A regulatory impact assessment has not been produced for the Regulations as they have no impact on the costs of business.