
STATUTORY INSTRUMENTS

2013 No. 1509

SOCIAL SECURITY

**The Social Fund Winter Fuel Payment
(Amendment) Regulations 2013**

Made - - - - *20th June 2013*
Laid before Parliament *27th June 2013*
Coming into force - - *16th September 2013*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 138(2) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), and sections 5(1)(a) and (2)(f) and 189(1) and (4) of the Social Security Administration Act 1992(2).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(3).

Citation and commencement

1. These Regulations may be cited as the Social Fund Winter Fuel Payment (Amendment) Regulations 2013 and come into force on 16th September 2013.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

2.—(1) The Social Fund Winter Fuel Payment Regulations 2000(4) are amended as follows.

(2) In regulation 2 (social fund winter fuel payments)—

(a) in paragraph (1)—

(i) for “and (3)” substitute “to (4)”; and

(ii) for sub-paragraph (a) substitute—

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- (1) 1992 c.4. Amendments not relevant to these Regulations have been made to section 138. Sections 175(1) and (4) were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2).
- (2) 1992 c.5. Section 189(1) was amended by paragraph 109(a) of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c.14), by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 and by Schedule 6 to the Tax Credits Act 2002 (c.21).
- (3) See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992. Amendments not relevant to these Regulations have been made to section 170.
- (4) S.I. 2000/729. Relevant amending instruments are S.I. 2003/2192, 2003/1737, 2004/2154, 2008/1554, 2009/1488 and 2012/757.

- “(a) in respect of any day falling within the qualifying week is—
- (i) ordinarily resident in Great Britain; or
 - (ii) habitually resident in Switzerland or an EEA state other than the United Kingdom; and”;
- (b) after paragraph (3) add—
- “(4) A person does not qualify for a winter fuel payment by virtue of falling within paragraph (2)(a)(ii) above unless—
- (a) they are a person to whom Council Regulation (EC) No 1408/71⁽⁵⁾ on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, or Regulation (EC) No 883/2004 of the European Parliament and of the Council⁽⁶⁾ on the coordination of social security systems, applies; and
 - (b) they are able to demonstrate a genuine and sufficient link to the United Kingdom social security system.”.

(3) At the end of regulation 3 (persons not entitled to a social fund winter fuel payment), add—

“(3) No person is entitled to a winter fuel payment for the winter of 1997 to 1998, 1998 to 1999 or 1999 to 2000 unless they have made a claim for such a payment on or before 31st March 2014.”.

Signed by authority of the Secretary of State for Work and Pensions

20th June 2013

Steve Webb
Minister of State
Department for Work and Pensions

⁽⁵⁾ OJ No L 149, 5.7.71, p2 (OJ/SE 1st series 1971 vol II p416).

⁽⁶⁾ OJ No L 166, 30.4.04, p1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Winter Fuel Payment Regulations 2000 (S.I. 2000/729) (“the 2000 Regulations”).

The amendment made by regulation 2(2) has the effect that a person may qualify for a winter fuel payment only if on any day in the “qualifying week” (defined in regulation 1(2) of the 2000 Regulations as the week beginning on the third Monday in the September of any year) they are ordinarily resident in Great Britain, or habitually resident in Switzerland or an EEA state other than the United Kingdom. A person in the second category must also be a person to whom the provisions on EU social security coordination in Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 apply, and must have a genuine and sufficient link to the United Kingdom social security system.

Entitlement to a winter fuel payment for the winters of 1997-1998, 1998-1999 and 1999-2000 was governed by the Social Fund Winter Fuel Payment Regulations 1998 (S.I. 1998/19). However those Regulations did not contain a cut-off date by which individuals must make a claim. The amendment made by regulation 2(3) of these Regulations provides that, in order to qualify for a winter fuel payment for these years, a person must make a claim on or before 31st March 2014.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.