

2003 No. 1737

SOCIAL SECURITY

**The Social Fund Winter Fuel Payment (Amendment)
Regulations 2003**

Made - - - - - *11th July 2003*

Laid before Parliament *15th July 2003*

Coming into force *1st September 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 138(2) and (4) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Fund Winter Fuel Payment (Amendment) Regulations 2003 and shall come into force on 1st September 2003.

Amendment of regulation 2 of the Social Fund Winter Fuel Payment Regulations 2000

2. For regulation 2 of the Social Fund Winter Fuel Payment Regulations 2000 (social fund winter fuel payments)(c) there shall be substituted—

“2.—(1) Subject to paragraphs (2) and (3) and regulation 3 of these Regulations, and regulation 36(2) of the Social Security (Claims and Payments) Regulations 1987(d), the Secretary of State shall pay to a person who—

(a) in respect of any day falling within the qualifying week is ordinarily resident in Great Britain; and

(b) has attained the age of 60 in or before the qualifying week,

a winter fuel payment of—

(i) £200 unless he is in residential care or head (ii)(aa) applies; or

(ii) £100 if income support or an income-based jobseeker’s allowance has not been, nor falls to be, paid to him in respect of the qualifying week and he is—

(aa) in that week living with a person to whom a payment under these Regulations has been, or falls to be, made in respect of the winter following the qualifying week; or

(bb) in residential care.

(a) 1992 c.4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 2000/729. Relevant amending instruments are S.I. 2000/2864, 2001/3375 and 2002/2660.

(d) S.I. 1987/1968. Regulation 36(2) was inserted by S.I. 2002/2660.

- (2) Where such a person has attained the age of 80 in or before the qualifying week—
- (a) in paragraph (1)(i), for the sum of £200 there shall be substituted the sum of £300; and
 - (b) in paragraph (1)(ii), for the sum of £100 there shall be substituted the sum of £200, except that where he is in that week living with a person to whom a payment under these Regulations has been, or falls to be, made in respect of the winter following that week who has also attained the age of 80 in or before that week, there shall be substituted the sum of £150.
- (3) Where such a person has not attained the age of 80 in or before the qualifying week but he is a partner of and living with a person who has done so, in paragraph (1)(i) for the sum of £200 there shall be substituted the sum of £300.”.

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

11th July 2003

Malcolm Wicks
Minister of State,
Department for Work and Pensions

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 as amended) so as to provide for the payment of an additional £100 by way of winter fuel payment for households where a member has attained the age of 80 by the end of the qualifying week.

These Regulations do not impose a charge on business.

£1.50

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