

2004 No. 2154

SOCIAL SECURITY

**The Social Fund Winter Fuel Payment (Amendment)
Regulations 2004**

Made - - - - - 18th August 2004

Laid before Parliament 26th August 2004

Coming into force - - 20th September 2004

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 2004 and shall come into force on 20th September 2004.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

2. The Social Fund Winter Fuel Payment Regulations 2000(c) shall be amended as follows—

- (a) in regulation 1(2) (interpretation), after the definition of “residential accommodation” insert the following definition—
““state pension credit” has the meaning assigned to it by section 1 of the State Pension Credit Act 2002(d);”;
- (b) in regulation 2(1) (entitlement to a winter fuel payment), in head (ii) for the words “income support” substitute “state pension credit”;
- (c) in regulation 3(1)(a) (persons not entitled to a winter fuel payment), in head (i) for the words “income support” substitute “state pension credit”;
- (d) in regulation 4(2) (making a winter fuel payment without a claim), after the words “income support” insert the words “or state pension credit”.

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

18th August 2004

Malcolm Wicks
Minister of State,
Department for Work and Pensions

(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, 2002/2660, 2003/1737 and 2003/2192.
(d) 2002 c. 16.

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) so as to make provision consequent upon the introduction of state pension credit. In particular, they make provision in respect of eligibility for receipt of a winter fuel payment and as to the size of that payment where a single person or a member of a couple is in receipt of state pension credit.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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