

2001 No. 3375

SOCIAL SECURITY

**The Social Fund Winter Fuel Payment (Amendment)
Regulations 2001**

Made - - - - - *10th October 2001*
Laid before Parliament *12th October 2001*
Coming into force - - *2nd November 2001*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon 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 to make 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 2001 and shall come into force on 2nd November 2001.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

2.—(1) The Social Fund Winter Fuel Payment Regulations 2000(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1 (citation, commencement and interpretation) there shall be substituted for paragraphs (3) and (3A) the following paragraphs—

“(3) Subject to paragraph (3A), in these Regulations a person—

- (a) is in residential care if, disregarding any period of temporary absence, he resides in—
 - (i) a residential care home;
 - (ii) a nursing home;
 - (iii) residential accommodation; or
 - (iv) accommodation provided under section 3(1) of the Polish Resettlement Act 1947 (provision by the Secretary of State of accommodation in camps), throughout the qualifying week and the period of 12 weeks immediately before the qualifying week;
- (b) lives with another person if—
 - (i) disregarding any period of temporary absence, they share accommodation as their mutual home; and
 - (ii) they are not 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. 2000/2229 and 2864.

- (3A) For the purposes of paragraph (3)(a)(i)—
- (a) a person resides in a residential care home where the home in which he resides is included in sub-paragraphs (a) to (c) of paragraph 2A(3) of Schedule 2 to the Income Support Regulations;
 - (b) a person who resides in an establishment which is not a residential care home shall be treated as residing in a residential care home during any period when he has a preserved right under regulation 19 of the Income Support Regulations (applicable amounts for persons in residential care and nursing homes).”
- (3) In regulation 2 (social fund winter fuel payments)—
- (a) in sub-paragraph (i), for the sum “£150” there shall be substituted the sum “£200”;
and
 - (b) in sub-paragraph (ii), for the sum “£75” there shall be substituted the sum “£100”.

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

10th October 2001

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Fund Winter Fuel Payment Regulations 2000 (S.I. 2000/729) by increasing the amount of the winter fuel payment. They also make some clarificatory drafting amendments.

These Regulations do not impose any charge on business.

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