STATUTORY INSTRUMENTS

2000 No. 2864

SOCIAL SECURITY

The Social Fund Winter Fuel Payment (Amendment) Regulations 2000

Made - - - - -	*19th October 2000*
Laid before Parliament	*23rd October 2000*
Coming into force - -	*13th November 2000*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 138(2) and (4) and 175(1), (3) and (4) 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 2000 and shall come into force on 13th November 2000.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

2. In the Social Fund Winter Fuel Payment Regulations 2000(**c**)—

(a) in regulation 1 (citation, commencement and interpretation)—

(i) in paragraph (2), the definition of "residential care home" shall be omitted;

(ii) in paragraph (3)—

(aa) for the words "In these" there shall be substituted the words "Subject to paragraph (3A), in these"; and

(bb) for the word "lives" there shall be substituted the word "resides";

(iii) after paragraph (3) there shall be inserted the following paragraph—

"(3A) For the purposes of paragraph (3)(a)(i)—

(a) paragraph 2A(3) of Schedule 2 to the Income Support Regulations(**d**) (applicable amounts) shall apply as if—

(i) for the words "sub-paragraph (2), but subject to sub-paragraph (4)," there were substituted the words "regulation 1(3)(a)(i) of the Social Fund Winter Fuel Payment Regulations 2000"; and

(ii) the words from "and a person resides in" to the end of that sub-paragraph were omitted; and

(**a**) 1992 c. 4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed". Section 175(1) was amended by the Transfer of Functions Act 1999 (c. 11), Schedule 8, paragraph 41.
(**b**) *See* section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(**c**) S.I. 2000/729, amended by S.I. 2000/2229.
(**d**) Regulation 2A(3) was inserted by S.I. 1992/3147.

(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(**a**) (applicable amounts for persons in residential care and nursing homes).”; and

(b) in regulation 3(1)(a)(i) (persons not entitled to a social fund winter fuel payment), for the words “of a person” there shall be substituted the words “of, and living with, a person”.

Signed by authority of the Secretary of State for Social Security.

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

19th October 2000

(**a**) Regulation 19 was amended by S.I. 1988/663, 1445 and 2022, 1989/1678, 1991/1033, 1992/3147, 1993/2119, 1994/527 and 2139 and 1996/462.

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). Unregistered homes are excluded from the definition of “residential care” for the purposes of entitlement to a winter fuel payment; however, a person living in such a home who has a preserved right under regulation 19 (applicable amounts for persons in residential care and nursing homes) of the Income Support (General) Regulations 1987 (S.I. 1987/1967) is treated as living in a residential care home (regulation 2(a)). A person is not disentitled to a winter fuel payment even though he is a partner of a person entitled to such a payment where the two people do not live in the same household (regulation 2(b)).

These Regulations do not impose a charge on business.

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