STATUTORY INSTRUMENTS

2025 No. 969

SOCIAL SECURITY

The Social Fund Winter Fuel Payment Regulations 2025

Made - - - - at 8:45 a.m. on 22nd August 2025

Laid before Parliament at 11:30 a.m. on 22nd August 2025

Coming into force - - 15th September 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 138(2) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(**a**), sections 5(1)(a) and (i), 7A(1)(b) and (c) and (2) and 189(1), (4), (5) and (6) of the Social Security Administration Act 1992(**b**) and sections 16(1) and 79(1) and (4) of, and paragraph 3 of Schedule 5 to, the Social Security Act 1998(**c**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Social Fund Winter Fuel Payment Regulations 2025 and come into force on 15th September 2025.

(2) These Regulations extend to England and Wales only.

(3) In these Regulations—

"care home"—

(a) in England, has the meaning assigned to it by section 3 of the Care Standards Act 2000(**d**);

(b) in Wales, means accommodation the provision of which, together with nursing or care, is a care home service as defined in paragraph 1 of Schedule 1 to the

(**a**) 1992 c. 4. See section 138(4) for the definition of "prescribed". Section 175(1) and (4) is amended by paragraph 29(2) and (4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(**b**) 1992 c. 5. See section 191 for the definition of "prescribed". Section 7A was inserted by section 71 of the Welfare Reform and Pensions Act 1999 (c. 30) and is amended by paragraph 12(a) of Schedule 7 to the Employment Act 2002 (c. 22) and section 41(2)(a) and (b) of the Welfare Reform Act 2007 (c. 5). See section 7A(6)(d) for the definition of "relevant benefit". Section 189(1) is amended by paragraph 109(a) of Schedule 7 to the Social Security Act 1998 (c. 14) ("the 1998 Act"), paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 189(4), (5) and (6) is amended by paragraph 109(c), (d) and (e) (respectively) of Schedule 7 to the 1998 Act. Section 189(4) and (6) is amended by S.I. 2013/252.

(**c**) 1998 c. 14. Section 79(1) is amended by paragraph 13(2) of Schedule 4 to the Tax Credits Act 2002 and by S.I. 2008/2833.

(**d**) 2000 c. 14. Section 3 is amended by paragraph 3 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) and paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

Regulation and Inspection of Social Care (Wales) Act 2016(**a**) which is provided wholly or mainly to persons aged 18 or over;

"couple" means—

(a) two people who are married to, or civil partners of, each other and are members of the same household, or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;

"free in-patient treatment" is to be construed in accordance with regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(**b**);

"independent hospital"—

(a) in England, means a hospital as defined by section 275(1) of the National Health Service Act 2006(**c**) that is not a health service hospital as defined by that section;

(b) in Wales, means a hospital as defined by section 206(1) of the National Health Service (Wales) Act 2006(**d**) that is not a health service hospital as defined by that section;

"partner" means a member of a couple or a polygamous marriage;

"pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995(**e**);

"polygamous marriage" means any marriage which took place under the laws of a country which permits polygamy where—

(a) any member of the marriage is for the time being married to more than one person, and

(b) all the members of the marriage are members of the same household;

"qualifying week" means in respect of any year the week beginning on the third Monday in the September of that year;

"relevant benefit" means—

(a) income support under Part 7 of the Social Security Contributions and Benefits Act 1992;

(b) an income-based jobseeker's allowance under the Jobseekers Act 1995(**f**);

(c) state pension credit under the State Pension Credit Act 2002(**g**);

(d) an income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007(**h**);

(e) universal credit under Part 1 of the Welfare Reform Act 2012(**i**).

(**a**) 2016 anaw 2. Paragraph 1 of Schedule 1 is amended by paragraph 2(6) of Schedule 1 to the Health and Social Care (Wales) Act 2025 (asc 1).
(**b**) S.I. 2005/3360.
(**c**) 2006 c. 41. The definition of "health service hospital" is amended by paragraph 138(2)(b) of Schedule 4 to the Health and Social Care Act 2012 (c. 7).
(**d**) 2006 c. 42.
(**e**) 1995 c. 26. Paragraph 1 of Schedule 4 is amended by paragraph 39 of Schedule 2 to the State Pension Credit Act 2002 (c. 16), paragraph 13 of Schedule 3 to the Welfare Reform Act 2007 (c. 5), paragraph 4 of Schedule 3 to the Pensions Act 2007 (c. 22), section 1 of the Pensions Act 2011 (c. 19) and section 26 of, and paragraph 30 of Schedule 12 to, the Pensions Act 2014 (c. 19).
(**f**) 1995 c. 18.
(**g**) 2002 c. 16.
(**h**) 2007 c. 5.
(**i**) 2012 c. 5.

(4) In these Regulations, a person—

(a) is in residential care if, disregarding any period of temporary absence, they reside in—

(i) a care home,

(ii) an independent hospital, or

(iii) accommodation provided under section 3(1) of the Polish Resettlement Act 1947(**a**),

throughout the qualifying week and the period of at least 12 weeks ending immediately before the qualifying week;

(b) lives with a person if, disregarding any period of temporary absence, they share accommodation with one or more persons as their mutual home and they are not in residential care.

Entitlement to a Winter Fuel Payment

2. Subject to regulation 4, the Secretary of State must pay a winter fuel payment out of the social fund to a person ("P") where—

(a) in or before the qualifying week, P has reached pensionable age, and

(b) in respect of any day falling within the qualifying week, P is ordinarily resident in England or Wales.

Amount of a Winter Fuel Payment

3.—(1) Subject to paragraphs (2) and (3), where P has not reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is £200.

(2) Where P has not reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is £100 where—

(a) a relevant benefit has not been, nor falls to be, paid to P in respect of the qualifying week, and

(b) P is—

(i) in that week, living with a person entitled to a winter fuel payment under regulation 2 in respect of the qualifying week, or

(ii) in residential care.

(3) Where P has not reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is £300 where—

(a) a relevant benefit has been, or falls to be, paid to P in respect of the qualifying week, and

(b) in that week, P is the partner of and living with a person who has reached the age of 80 in or before that week.

(4) Subject to paragraphs (5) and (6), where P has reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is £300.

(5) Subject to paragraph (6), where P has reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is £200 where—

(a) a relevant benefit has not been, nor falls to be, paid to P in respect of the qualifying week, and

(**a**) 1947 c. 19. Section 3(1) is amended by paragraph 3(1) of Schedule 6 to the Ministry of Social Security Act 1966 (c. 20) and paragraph 1 of Schedule 4 to the Social Security Act 1980 (c. 30).

(b) in that week, P is living with a person entitled to a winter fuel payment under regulation 2 in respect of the qualifying week and that person has not reached the age of 80.

(6) Where P has reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is £150 where—

(a) a relevant benefit has not been, nor falls to be, paid to P in respect of the qualifying week, and

(b) P is—

(i) in that week, living with a person entitled to a winter fuel payment under regulation 2 in respect of the qualifying week and that person has reached the age of 80, or

(ii) in residential care.

Persons not entitled to a Winter Fuel Payment

4.—(1) Regulation 2 does not apply to P if any of the circumstances in paragraphs (2) to (5) applies.

(2) This paragraph applies where, throughout the qualifying week, P is—

(a) a partner of and living with a person ("P's partner") who has reached pensionable age in or before the qualifying week and P's partner is a person to whom a relevant benefit has been, or falls to be, paid in respect of the qualifying week,

(b) receiving free in-patient treatment and has been receiving free in-patient treatment for a period of more than 52 weeks ending immediately before the qualifying week, or

(c) detained in custody under a sentence imposed by a court.

(3) This paragraph applies where P is in residential care and a relevant benefit has been, or falls to be, paid to P in respect of the qualifying week.

(4) This paragraph applies where, having been ordinarily resident in England or Wales on any day falling within the qualifying week, P becomes ordinarily resident in Scotland or Northern Ireland on or before the last day of that week.

(5) Subject to paragraph (6), this paragraph applies where P has not made a claim for a winter fuel payment on or before the 31st March following the qualifying week.

(6) Paragraph (5) does not apply where—

(a) a winter fuel payment has been made by virtue of regulation 5(1) in respect of the qualifying week, or

(b) regulation 5(2) applies.

Making a Winter Fuel Payment without a claim

5.—(1) The Secretary of State may, on or before the 31st March following the qualifying week, pay to P a winter fuel payment if (disregarding regulation 4(5)) P appears to the Secretary of State to be entitled to a winter fuel payment under regulation 2.

(2) Where P becomes entitled to a relevant benefit in respect of the qualifying week by virtue of a decision made after that week that section 115(1) of the Immigration and Asylum Act 1999 (exclusion from benefits)(**a**) ceases to apply to P, the Secretary of State must pay a winter fuel payment to that person in respect of the qualifying week.

(**a**) 1999 c. 33. Section 115(1) is amended by section 4(2) of the State Pension Credit Act 2002 (c. 16), paragraph 19 of Schedule 3 to the Welfare Reform Act 2007 (c. 5), section 138(2) of the Health and Social Care Act 2008 (c. 14), paragraph 54 of Schedule 2 and paragraph 44 of Schedule 9, to the Welfare Reform Act 2012 (c. 5) and S.I. 2002/1457.

(3) Subject to paragraph (4), for the purposes of paragraphs (1) and (2), official records held by the Secretary of State as to a person's circumstances are sufficient evidence for the purpose of deciding a person's entitlement to a winter fuel payment and its amount.

(4) Paragraph (3) does not apply so as to exclude the revision of a decision under section 9 of the Social Security Act 1998 (revision of decisions)(**a**) or the supersession of a decision under section 10 of that Act (decisions superseding earlier decisions) or the consideration of fresh evidence in connection with the revision or supersession of a decision.

Consequential amendment to the Social Security (Claims and Payments) Regulations 1987

6. In regulation 4(6A)(a)(ii) of the Social Security (Claims and Payments) Regulations 1987 (making a claim for benefit)(**b**) for "regulation 4(1)(c) of the Social Fund Winter Fuel Payment Regulations 2024" substitute "regulation 4(5) of the Social Fund Winter Fuel Payment Regulations 2025".

Revocations

7. The following Regulations are revoked—

(a) the Social Fund Winter Fuel Payment Regulations 2024(**c**);

(b) the Social Fund Winter Fuel Payment (Amendment) Regulations 2024(**d**).

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

Torsten Bell
Parliamentary Under Secretary of State
Department for Work and Pensions

At 8.45 a.m. on 22nd August 2025

(**a**) Section 10 is amended by paragraph 23 of Schedule 7 and Part 1 of Schedule 10 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 and paragraph 4 of Schedule 12 to the Welfare Reform Act 2012 and by S.I. 2008/2833.
(**b**) S.I. 1987/1968, amended by S.I. 2003/1632, 2007/2911, 2024/869.
(**c**) S.I. 2024/869, amended by S.I. 2024/898.
(**d**) S.I. 2024/898.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for winter fuel payments.

Regulation 2 requires the Secretary of State to pay a winter fuel payment to a person ("P") who, in the week beginning on the third Monday in September ("the qualifying week") in any year, has reached pensionable age and is ordinarily resident in England or Wales.

Regulation 3 sets out the amount of a winter fuel payment. The amount of a winter fuel payment depends on whether P has reached the age of 80 in or before the qualifying week. Where P has not reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is—

- £200;
- £100, where P has not been paid, and will not be paid, state pension credit or another means-tested benefit included in the definition of "relevant benefit" for the qualifying week and P is living with a person entitled to a winter fuel payment that winter;
- £100, where P has not been paid, and will not be paid, state pension credit or another relevant benefit for the qualifying week and is in residential care (as defined);
- £300, where P has been paid, or will be paid, state pension credit or another relevant benefit for the qualifying week and P is the partner of, and living with, a person who has reached the age of 80 in or before the qualifying week.

Where P has reached the age of 80 in or before the qualifying week, the amount of a winter fuel payment is—

- £300;
- £200, where P has not been paid, and will not be paid, state pension credit or another relevant benefit for the qualifying week and P is living with a person entitled to a winter fuel payment that winter and that person has not reached the age of 80;
- £150, where P has not been paid, and will not be paid, state pension credit or another relevant benefit for the qualifying week and P is living with a person entitled to a winter fuel payment that winter and that person has reached the age of 80;
- £150, where P has not been paid, and will not be paid, state pension credit or another relevant benefit for the qualifying week and is in residential care.

Regulation 4 sets out the circumstances in which P is not entitled to a winter fuel payment, namely where, throughout the qualifying week, P—

- is the partner of, and living with, a person who has reached pensionable age in or before the qualifying week and has been, or will be, paid state pension credit or another relevant benefit for the qualifying week;
- is in hospital getting free treatment and has been receiving that treatment for more than 52 weeks;
- is in prison serving a sentence;
- is in residential care and has been in residential care for the preceding 12 weeks and has been, or will be, paid state pension credit or another relevant benefit in respect of the qualifying week.

P is also not entitled to a winter fuel payment if they have not made a claim for it by 31st March following the qualifying week, subject to regulation 5, or where they become ordinarily resident in Scotland or Northern Ireland by the last day of the qualifying week.

Regulation 5 sets out the circumstances in which the Secretary of State may make a winter fuel payment without a claim, including where the Secretary of State has made an automated payment based on information held by the Department for Work and Pensions.

Regulation 6 makes a consequential amendment to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968).

Regulation 7 revokes the Social Fund Winter Fuel Payment Regulations 2024 (S.I. 2024/869) and the Social Fund Winter Fuel Payment (Amendment) Regulations 2024 (S.I. 2024/898).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

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