STATUTORY RULES OF NORTHERN IRELAND

2025 No. 142

SOCIAL SECURITY

The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2025

Made - - - -	*22nd August 2025*
Coming into operation -	*15th September 2025*

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 134(2) and 171(1), and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**), sections 5(1)(a) and (j), 5A(2) and 165(1), (4), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(**c**), and Articles 16(1) and 74(1) of, and paragraph 3 of Schedule 4 to, the Social Security (Northern Ireland) Order 1998(**d**) and now vested in it(**e**).

Citation, commencement and interpretation

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

(2) The Interpretation Act (Northern Ireland) 1954(**f**) shall apply to these Regulations as it applies to an Act of the Assembly.

(3) In these Regulations—

"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 (Northern Ireland) 2005(**g**);

(**a**) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**b**) 1992 c. 7; *see* section 134(4) for the definition of 'prescribed'
(**c**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and by section 18(5) of the National Insurance Contributions Act 2014 (c. 7). Section 165(6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(**d**) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**e**) *See* Article 8(b) of S.R. 1999 No. 481
(**f**) 1954 c. 33 (N.I.)
(**g**) S.R. 2005 No. 580

"independent hospital" has the meaning assigned to it by Article 2 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**a**);

"nursing home" has the meaning assigned to it by Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**b**) which is provided wholly or mainly to persons aged 18 or over;

"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 2 to the Pensions (Northern Ireland) Order 1995(**c**);

"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 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 (Northern Ireland) Act 1992;

(b) an income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995(**d**);

(c) state pension credit under the State Pension Credit Act (Northern Ireland) 2002(**e**);

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

(e) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015(**g**);

(4) In these Regulations, a person—

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

(i) a nursing home,

(ii) an independent hospital, or

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

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 Department 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

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(**a**) S.I. 2003/431 (N.I. 9); Article 2 was amended by paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1)

(**b**) S.I. 2003/431 (N.I. 9); Article 11 was amended by paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1)

(**c**) S.I. 1995/3213 (N.I. 22)

(**d**) S.I. 1995/2705 (N.I. 15)

(**e**) 2002 c. 14

(**f**) 2007 c. 2

(**g**) S.I. 2015/2006 (N.I. 1)

(**h**) 1947 c. 19. Section 3(1) was 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 respect of any day falling within the qualifying week, P is ordinarily resident in Northern Ireland.

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

(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 Northern Ireland on any day falling within the qualifying week, P becomes ordinarily resident in England or Wales or Scotland 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 Department 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 Department 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) (exclusion from benefits) of the Immigration and Asylum Act 1999(**a**) ceases to apply to P, the Department must pay a winter fuel payment to that person in respect of the qualifying week.

(3) Subject to paragraph (4), for the purposes of paragraphs (1) and (2), official records held by the Department 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 Article 10 (revision of decisions) of the Social Security (Northern Ireland) Order 1998(**b**) or the supersession of a decision under Article 11 (decisions superseding earlier decisions) of that Order 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 (Northern Ireland) 1987

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

Revocations

7. The following Regulations are revoked—

(a) the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2024(**d**);

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

(**a**) 1999 c. 33. Section 115(1) was 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 and 2015/2006

(**b**) S.I. 1998/1506 (N.I. 10); Articles 10 and 11 were amended by Part 7 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))

(**c**) S.R. 1987 No. 465, relevant amending instrument is S.R. 2024 No. 160

(**d**) S.R. 2024 No. 160, relevant amending instrument is S.R. 2024 No. 189

(**e**) S.R. 2024 No. 189

Sealed with the Official Seal of the Department for Communities on 22nd August 2025.

(L.S.)

David Tarr
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for winter fuel payments.

Regulation 2 requires the Department 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 Northern Ireland.

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 England or Wales or Scotland by the last day of the qualifying week.

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

Regulation 6 makes a consequential amendment to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465).

Regulation 7 revokes the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2024 (S.R. 2024 No. 160) and the Social Fund Winter Fuel Payment (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024 No. 189).

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 150(1)(a) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

A regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business.

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