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STATUTORY INSTRUMENTS

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**2022 No. 1018**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
SOCIAL SECURITY**

**The Social Security (Scotland) Act 2018 (Winter Heating Assistance) (Consequential Modifications) Order 2022**

*Made* - - - - *30th September 2022*  
*Laid before Parliament* *4th October 2022*  
*Coming into force* - - *1st November 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(3), (4) and (5) of the Scotland Act 1998<sup>(1)</sup>.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Social Security (Scotland) Act 2018 (Winter Heating Assistance) (Consequential Modifications) Order 2022.

(2) This Order shall come into force on 1st November 2022.

(3) This Order extends to England and Wales and Scotland.

**Amendment of the Social Fund Cold Weather Payments (General) Regulations 1988**

2.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988<sup>(2)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “home” after the word “separately” omit the words “in particular, in Scotland, any croft land on which the dwelling is situated”.

(3) In regulation 1A (prescribed description of persons), after paragraph (7) insert—

“(8) The fifth condition is that the person’s home is in England or Wales.”.

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(1) 1998 c. 46. Section 104 has been amended by section 12 of the Scotland Act 2012 (c. 11) and section 10 of the Scotland Act 2016 (c. 11).  
(2) S.I. 1988/1724. Regulation 1A was substituted by S.I. 2010/2442. Other relevant amending instruments are S.I. 2013/248, S.I. 2017/271 and S.I. 2017/725.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

30th September 2022

*Claire Coutinho*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Winter Heating Assistance (Low Income) (Scotland) Regulations 2023 ([S.S.I. 2023/16](#)), made under section 30 of the Social Security (Scotland) Act 2018 ([asp 9](#)), introduce arrangements for a winter heating payment to an individual to meet, or help towards meeting, the individual's heating costs during the winter months. The winter heating payment replaces cold weather payments in Scotland.

This Order amends the Social Fund Cold Weather Payments (General) Regulations 1988 ([S.I. 1988/1724](#)) ("the 1988 Regulations") to limit eligibility for cold weather payments to homes which are situated in England and Wales.

Article 2 makes amendments to the 1988 Regulations.

Article 2(2) amends the definition of "home" contained in regulation 1(2) of the 1988 Regulations to remove the Scottish specific reference to croft land on which a dwelling is situated.

Article 2(3) adds a fifth eligibility condition into regulation 1A of the 1988 Regulations which a claimant must satisfy in order to receive a cold weather payment. It prescribes that in order to be eligible for a cold weather payment, the claimant's home must be in England or Wales.