
STATUTORY INSTRUMENTS

2000 No. 729

The Social Fund Winter Fuel Payment Regulations 2000

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Winter Fuel Payment Regulations 2000 and shall come into force on 3rd April 2000.

(2) In these Regulations—

[^{F1}“care home” in England ^{F2}... has the meaning assigned to it by section 3 of the Care Standards Act 2000, [^{F3}in Wales, means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over] and in Scotland means a care home service as defined by [^{F4}paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010];]

[^{F5}“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 [^{F6}as if they were a married couple or civil partners];]

^{M1}[^{F7}“free in-patient treatment” shall be construed in accordance with regulation [^{F8}2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005];

[^{F9}“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

^{F10}
...

[^{F11}“independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in [^{F12}section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978];]

[^{F13}“qualifying age for state pension credit” means—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;]

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

^{F14}
...

“partner” means a member of—

- (a) [^{F15}a couple]; or

(b) a polygamous marriage;

F14 ...

[^{F16}“state pension credit” has the meaning assigned to it by section 1 of the State Pension Credit Act 2002;]

F17 ...

^{F18}(3) ^{F19}... in these Regulations a person—

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

(i) [^{F20}a care home;]

(ii) [^{F20}an independent hospital; or]

(iv) accommodation provided under section 3(1) of the Polish Resettlement Act 1947 ^{M2} (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.]

^{F21}(3A)

(4) In these Regulations, unless the context otherwise requires, a reference—

(a) to a numbered regulation is to the regulation in these Regulations bearing that number; and

(b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.]

Textual Amendments

- F1** Words in reg. 1(2) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), regs. 1, **8(2)(a)(ii)**
- F2** Words in reg. 1(2) omitted (2.4.2018) by virtue of [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018 \(S.I. 2018/228\)](#), regs. 1, **6(2)(a)**
- F3** Words in reg. 1(2) inserted (2.4.2018) by [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018 \(S.I. 2018/228\)](#), regs. 1, **6(2)(b)**
- F4** Words in reg. 1(2) substituted (28.10.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications of Enactments\) Order 2011 \(S.I. 2011/2581\)](#), art. 1(2)(b), **Sch. 2 para. 29(a)**
- F5** Words in reg. 1(2) substituted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential Provisions\) Order 2014 \(S.I. 2014/107\)](#), art. 1(2), **Sch. 1 para. 28**
- F6** Words in reg. 1(2) substituted (16.12.2014) (EW) (2.12.2019)(S) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 58**; S.I. 2014/3229, art. 1(2), Sch. 6 para. 19
- F7** Words in reg. 1(2) substituted (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 6 para. 19**
- F8** Words in reg. 1(2) substituted (10.4.2006) by [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), regs. 1(a), 7

- F9** Words in reg. 1(2) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **7(2)**
- F10** Words in reg. 1(2) omitted (23.2.2015) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2015 (S.I. 2015/67), regs. 1, **4(a)**
- F11** Words in reg. 1(2) substituted (1.10.2010) by The Health and Social Care Act 2008 (Miscellaneous Consequential Amendments) Order 2010 (S.I. 2010/1881), arts. 1(1), **10**
- F12** Words in reg. 1(2) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 29(b)**
- F13** Words in reg. 1(2) inserted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **19(2)**
- F14** Words in reg. 1(2) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **8(2)(a)(i)**
- F15** Words in reg. 1(2) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 32(b)** (with art. 3)
- F16** Words in reg. 1 inserted (20.9.2004) by The Social Fund Winter Fuel Payment (Amendment) Regulations 2004 (S.I. 2004/2154), regs. 1, **2(a)**
- F17** Words in reg. 1(2) omitted (13.11.2000) by virtue of The Social Fund Winter Fuel Payment (Amendment) Regulations 2000 (S.I. 2000/2864), regs. 1, **2(a)(i)**
- F18** Reg. 1(3)(3A) substituted (2.11.2001) by The Social Fund Winter Fuel Payment (Amendment) Regulations 2001 (S.I. 2001/3375), regs. 1, **2(2)**
- F19** Words in reg. 1(3) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **8(2)(b)(i)**
- F20** Reg. 1(3)(a)(i)(ii) substituted for (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **8(2)(b)(ii)**
- F21** Reg. 1(3A) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **8(2)(c)**

Marginal Citations

- M1** S.I. 1975/555; regulation 2(2) was substituted by S.I. 1992/2595.
- M2** 1947 c. 19; section 3(1) was amended by the Ministry of Social Security Act 1966 (c. 20), **section 39(1)** and Schedule 6, paragraph 3(1) and the Social Security Act 1980 (c. 30), **section 20(1)** and Schedule 4, paragraph 1(1)(a).

Changes to legislation:

There are currently no known outstanding effects for the The Social Fund Winter Fuel Payment Regulations 2000, Section 1.