

**Explanatory Memorandum to the**  
**The Social Fund Winter Fuel Payment (Amendment) Regulations 2004**

**S.I. 2004 No. 2154**

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Social Fund Winter Fuel Payment (Amendment) Regulations 2004 amend the Social Fund Winter Fuel Payment Regulations 2000 to provide for recipients of Pension Credit and their partners to be treated in the same way as Income Support recipients and their partners have been in the past.

**3. Matters of special interest**

3.1 There are no matters of special interest.

**4. Legislative background**

4.1 The Social Fund Winter Fuel Payment Regulations 2000 (SI 2000/729) provide the qualifying conditions for Winter Fuel Payments

4.2 This instrument is being made in order to allow the qualifying conditions for Winter Fuel Payments to apply to recipients of Pension Credit which was introduced by the State Pension Credit Act 2002.

4.3 Pension Credit was introduced in October 2003 and replaced Income Support (IS) for people aged 60 and over. The provisions in this instrument will apply to Pension Credit recipients and their partners from winter 2004/05, for which the qualifying week for Winter Fuel Payments begins on 20 September.

**5. Extent**

5.1 This instrument applies to Great Britain.

**6. European Convention on Human Rights**

6.1 Not applicable.

## **7. Policy background**

7.1 The policy objective of Winter Fuel Payments is to provide a significant and well-timed single payment to eligible older households towards their winter fuel bills. Generally, a payment of £200 is available to households with someone aged 60 or over with £300 going to households with someone aged 80 or over. Specific rules currently exist for those receiving Income Support or Income-based Jobseeker's Allowance and those who reside in care homes.

7.2 This instrument will ensure that, from winter 2004/05, the eligibility of those receiving Pension Credit and their partners will be determined in a way which is equivalent to the way in which eligibility has been determined in relation to Income Support recipients aged over 60 and their partners in previous years.

7.3 Around 2.5 million households are currently receiving Pension Credit.

7.4 There has been no public interest in the specific policy dealt with by this instrument.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared because these regulations will have no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is an estimated net cost of £2.6 million due to additional benefit expenditure.

## **Contact**

Mary Curran, DWP, 6 Floor, The Adelphi, 1-11 John Adam Street, London WC2N 6HT, phone 020 7712 2107, Email [mary.curran@dwp.gsi.gov.uk](mailto:mary.curran@dwp.gsi.gov.uk)

26 August 2004