INTRODUCTION

1. The purpose of this Memo is to advise DMs about amendments to the SFWFP regs made by the Social Fund Winter Fuel Payment (Amendment) Regulations 2013\(^1\). These amendments come into force on 16.9.13.

   1 SI 2013 No. 1509

RESIDENCE REQUIREMENT

2. The amended residence requirement is that in respect of any day falling within the qualifying week the person concerned is\(^1\)

1. ordinarily resident in GB or

2. (subject to paragraph 3) habitually resident (see DMG 071349 et seq) in an EEA State (other than the UK) or Switzerland

   1 SFWFP Regs, reg 2(1)(a)
3 A person will **not qualify** for a WFP where they are habitually resident in an EEA state (other than the UK) or Switzerland **unless**

1. the EU regulations on the co-ordination of social security\(^2\) apply to them and

2. they have a genuine and sufficient link to the UK's social security system (see DMG 073248 for guidance on this).

**Note** The “old” EU regulations on the co-ordination of social security (Council Regulation (EEC) 1408/71) continue to apply in certain transitional cases (see Memo DMG 32/10, paragraph 13)

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1 SFWFP Regs, reg 2(4); 2 Reg (EEC) 1408/71 & Reg (EC) 883/04; 3 Reg (EEC) 1408/71, art 2; 4 Reg (EC) 883/04, art 2

**CLAIMS FOR WINTERS OF 97/98; 98/99 & 99/00**

4 The amending regs state that there will be no payment of a WFP for the winters of 1997 to 1998; 1998 to 1999; or 1999 to 2000 unless a claim for it is made on or before 31.3.14\(^1\).

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1 SFWFP Regs, reg 3(3)

**ANNOTATIONS**

The number of this Memo (DMG 17/13) should be noted against the following DMG paragraphs: 39903; 073244 (main heading); 073247; 073248; 073249 & 073251

**CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, GS36, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo DMG 03/13 - Obtaining legal advice and guidance on the Law.

DMA Leeds: July 2013