

SOCIAL FUND (AMENDMENT) REGULATIONS 2017 - UC

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INTRODUCTION

- 1 Following changes due to amendments to the Child Tax Credit Act 2002, this memo advises of changes¹ to the SFCWP (Gen) Regulations for Cold Weather Payments, where the claimant is in receipt of a specified benefit² and has been awarded CTC³. These changes take effect from 6.4.17⁴.

1 Social Fund (Amendment) Regulations 2017, (SI 2017 No. 271); 2 SFCWP (Gen) Regs, reg 1A(2); 3 1A(3)(d); 4 Social Fund (Amendment) Regulations 2017, reg 1(2)

- 2 The family element of CTC is currently awarded to all persons entitled to CTC¹. The individual element of CTC is currently awarded in respect of each child or qualifying young person for whom the claimant is responsible, and is paid at the higher rate in respect of disabled or severely disabled children or qualifying young persons².

1 Tax Credits Act 2002, s.9; 2 Child Tax Credits Regulations, reg 7(4)

- 3 Reforms¹ to CTC mean that, from 6.4.17, the family element of CTC will only be awarded where the claimant is responsible for a child born before 6.4.17. Where a claimant is responsible for a child born on or after 6.4.17, the individual element of CTC will generally be awarded in respect of only the first two children in the claimant's household. The higher rate individual element that is awarded in respect of children who are disabled or severely disabled will be replaced by a new disability element. The disability element will not be restricted to a maximum number of children or qualifying young persons in the household.

1 Welfare Reform and Work Act 2016, s.13

COLD WEATHER PAYMENTS

- 4 The first eligibility condition for receipt of a CWP is that the claimant is in receipt of a prescribed benefit¹ in respect of at least one day during the recorded or forecasted period of cold weather (ADM L4091).

1 SFCWP (Gen) Regs, reg 1A(2)

- 5 Where UC has been awarded and the claimant has an award of CTC, the second condition is that an individual element of CTC¹ is awarded at the higher rate for a disabled or severely disabled child or qualifying young person².

1 SFCWP (Gen) Regs, reg 1A(3)(d); 2 WR Act 12, s.10(5) & s. 40

- 6 From 6.4.17, it will be a specified condition for receipt of a CWP that the claimant has been awarded the disability element of CTC. This is to ensure that all claimants who would have qualified for a CWP prior to 6.4.17 will continue to do so.

ANNOTATIONS

Please annotate the number of this memo (13/17) against ADM Paragraphs:

L4091 (Heading)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds LS2 7UA. 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: April 2017

The content of the examples in this document (including use of imagery) is for illustrative purposes only