

ADM Chapter L5: Winter Fuel Payments

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Winter Fuel Payments

L5001 This guidance applies from 16.09.24 in respect of WFP claims from Winter 2024 onwards.

L5002 A WFP is a one-off annual payment based on an individual's circumstances during a specified QW. It is payable to those who in or before the QW have reached pensionable age. Winter Fuel payments will be automatically issued using information from Departmental records¹. If a payment is not paid automatically, the person can make a claim for it before 31 March in the following year. People will also need to claim it if they are habitually resident in Switzerland or an EEA country listed in **Appendix 1** and meet the entitlement conditions.

1 [SFWFP Regs, reg 5](#)

L5003 The QW in any year is the week beginning on the third Monday in the September of that year¹.

1 [SFWFP Regs, reg 1\(4\)](#)

L5004

Entitlement to a Winter Fuel Payment

L5005 A WFP is payable to a person who, in or before the QW, has reached pensionable age¹ and in respect of any day falling within the QW the following applies;

1. is ordinarily resident in England and Wales; (see ADM **C1946** et seq) **and**

1.1 is entitled to a relevant benefit; **or**

1.2 is entitled to an award of CTC or WTC not less than £26 in respect of the tax year 2024-2025² **or**

2. is habitually resident (see ADM **C1951** et seq) in an eligible country³.

Note 1: See DMG Chapter 74 for guidance on pensionable age.

Note 2: From 6.4.25 the Tax Credits Service will close. (see [\[Memo 05-24\]](#) for details).

Note 3: See **Appendix 1** for the list of eligible countries in ADM **L5005 2**.

Note 4: ADM **L5005 2**. ceases to have effect on 1.4.25, therefore from 1.4.25 a person will have to satisfy ADM **L5005 1**. to be entitled to a WFP⁴.

1 [SFWFP Regs. reg 2\(1\) & 2\(4\)](#); 2 [reg 2\(2\)](#); 3 [reg 2\(3\)](#); 4 [reg 7\(2\)](#)

L5006 Relevant benefit¹ in ADM **L5005 1**. means

1. IS
2. JSA(IR)
3. SPC
4. ESA(IR)
5. UC

1 [SFWFP Regs. reg 2\(4\)](#)

L5007 A person who falls within **L5005 2**. above does not qualify for a WFP unless

1. they are a person covered by

1.1 Title III of Part 2 of the withdrawal agreement as set out at Article 30 of that agreement; **or**

1.2 Title III of Part 2 of the EEA EFTA separation agreement as set out at Article 29 of that agreement;
or

1.3 Part Three of the Swiss citizens' rights agreement as set out at Article 25 of that agreement; **or**

1.4 the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland signed at Dublin on 1st February 2019 as set out in Article 2 of that Convention¹; **and**

2. they are able to demonstrate

2.1 entitlement to a benefit payable in the country in which they are habitually resident that is equivalent to a relevant benefit²; **and**

2.2 a genuine and sufficient link to the United Kingdom³.

Note: For Guidance on the effect of EU law on the residence requirement see ADM **C1951** et seq.

L5008 However, not every person who fulfils the above conditions will qualify for a WFP¹ (see ADM **L5021**).

1 [SFWFP Regs. reg 4](#)

L5009-L5020

Persons not entitled to a Winter Fuel Payment

L5021 Persons will not qualify for a WFP if

1. throughout the QW they are

1.1 a member of a couple where the other member of that couple has been paid a WFP in respect of the QW¹ or

1.2 a member of a polygamous marriage where another member of that marriage has been paid a WFP in respect of the QW² or

1.3 receiving free in-patient treatment and have done so for at least 52 weeks immediately preceding the QW³ or

1.4 detained in custody under a sentence imposed by a court⁴ or

1.5 resident in a care home and have been for the 12 weeks leading up to the QW⁵ or

2. having been ordinarily resident in England and Wales on a day within the QW, becomes ordinarily resident in Scotland or Northern Ireland by the last day of that week⁶ or

3. has not made a claim for a WFP on or before 31st March following the qualifying week in respect of the winter following that week⁷

4. they are subject to Immigration control and not eligible for help from DWP⁸

1 [SFWFP Regs. reg 1\(4\)](#) & [4\(1\)\(a\)\(i\)](#) &; 2 [reg 1\(4\)](#) & [4\(1\)\(a\)\(ii\)](#); 3 [reg 4\(1\)\(a\)\(iii\)](#) & [4\(3\)](#);

4 [reg 4\(1\)\(a\)\(iv\)](#); 5 [reg 4\(1\)\(a\)\(v\)](#) & [4\(3\)](#); 6 [reg 4\(1\)\(b\)](#); 7 [reg 4\(1\)\(c\)](#); 8 [I & A Act 99, s 115](#)

Example 1

Bill and Ethel are a married couple both aged over 80. Bill receives SPC for himself and his wife so he is entitled to a WFP of £300 and Ethel will not be entitled to a WFP.

Example 2

Pepé, Freddie and Roxie are members of a polygamous household. Freddie who is aged 70 is automatically paid a

WFP of £200. Although Pepé and Roxie have both reached the qualifying age for SPC they will not be entitled to a WFP as Freddie has already been paid a WFP.

Example 3

Donald reaches pensionable age on 16.09.24 and is living in the Republic of Ireland and in receipt of a benefit equivalent to SPC so is in the category referred to in ADM **L5002** who have to make a claim for WFP. On the 1.4.25 he makes a claim for a WFP. As Donald has missed the 31.3.25 deadline he will not be entitled to a WFP for the winter following that QW.

L5022 Couple in ADM **L5021** means¹

1. two people who are married to, or civil partners of, each other and are members of the same household **or**
2. two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.

1 [SFWFP Regs. reg 1\(4\)](#)

L5023 Polygamous marriage in ADM **L5021** means¹

1. a marriage during which a party is married to more than one person which took place under the laws of a country which permits polygamy
2. where all members of the marriage and the additional spouse are members of the same household.

1 [SFWFP Regs. reg 1\(4\)](#)

L5024 Residential care in ADM **L5021** means¹ a person residing in

1. a care home **or**
2. an independent hospital **or**
3. accommodation provided under specified legislation²

1 [SFWFP Regs. reg 4\(3\)](#); 2 [Polish Resettlement Act 1947, s 3\(1\)](#)

L5025 Where a person becomes entitled to a relevant benefit in respect of any day falling within the QW by virtue of a decision made after the QW, the Secretary of State may make a WFP¹.

Note: This applies to decisions made after the QW by the Secretary of State, HMRC, FtT or UT.

1 [SFWFP Regs. reg 5\(2\)](#)

L5026 - L5034

Amount of Winter Fuel Payment

L5035 Where a person is entitled to a WFP their WFP will be

1. £300¹ if

1.1 the person has reached the age of 80 in or before the QW **or**

1.2 the person has not reached the age of 80 in or before the QW but they are in a couple or polygamous marriage with a person who has reached that age **or**

2. £200² in any other case

1 [SFWFP Regs, reg 3\(a\) & \(b\)](#); 2 [reg 3\(c\)](#)

L5036 - L5999

Appendix 1

Eligible Countries in ADM **L5005**

Republic of Austria
Kingdom of Belgium
Republic of Bulgaria
Republic of Croatia
Czech Republic
Kingdom of Denmark
Republic of Estonia
Republic of Finland
Federal Republic of Germany
Hungary

Iceland
Republic of Ireland
Italian Republic
Republic of Latvia
The Principality of Liechtenstein
Republic of Lithuania
Grand Duchy of Luxembourg
Kingdom of the Netherlands
Kingdom of Norway
Republic of Poland
Romania
Slovak Republic
Republic of Slovenia
Kingdom of Sweden
Swiss Confederation

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