

1978 No. 102

SOCIAL SECURITY

The Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations (Northern Ireland) 1978*Made* 10th April 1978*Coming into operation* 6th April 1979

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 33(2) and 125(1) of, and paragraph 5(6) and (7) of Schedule 3 to, the Social Security (Northern Ireland) Act 1975(a), as inserted, in the case of the said paragraph 5(6) and (7), by Article 21(3) of the Social Security Pensions (Northern Ireland) Order 1975(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations (Northern Ireland) 1978, and shall come into operation on 6th April 1979.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security (Northern Ireland) Act 1975; and
 “Personal Injuries Scheme”, “Service Pensions Instrument”, “1914-1918 War Injuries Scheme” and “Pneumoconiosis and Byssinosis Benefit Scheme” have the meaning assigned to them in regulation 2 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(c), as amended(d); and

“year” means tax year.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces or which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply in relation to this statutory rule and to the regulations revoked by it as if this statutory rule and the regulations revoked by it were Acts of Parliament and the revocations were repeals.

Preclusion from regular employment for the purposes of paragraph 5(6) and (7) of Schedule 3 to the Act

2.—(1) For the purposes of paragraph 5(6) and (7) of Schedule 3 to the Act, a person shall, subject to paragraph (4) below, be precluded from regular employment by responsibilities at home, within the meaning of these regulations, in any year falling after that ending with 5th April 1978 throughout which he satisfied any of the conditions specified in paragraph (2) below.

(a) 1975 c. 15
 (b) S.I. 1975/1503 (N.I. 15)
 (c) S.R. 1975 No. 94 (I, p. 561)

(d) There are no relevant amending regulations
 (e) 1889 c. 63

(2) The conditions referred to in paragraph (1) above are—

- (a) that child benefit, awarded to him under the Child Benefit (Northern Ireland) Order 1975(f), was payable in respect of a child under the age of 16;
- (b) that he was engaged in caring for a person in respect of whom there was payable any of the benefits specified in paragraph (3) below and was regularly so engaged for at least 35 hours per week;
- (c) that a supplementary allowance under the Supplementary Benefits (Northern Ireland) Order 1977(g), was payable to him, the Supplementary Benefits Commission for Northern Ireland having, by reason of his being engaged in caring for an elderly or incapacitated person, not exercised their discretion under Article 7 of that Order to require in his case registration for employment as a condition of his right to that allowance.

(3) The benefits referred to in paragraph (2)(b) above are an attendance allowance under section 35 of the Act, other than in respect of a child under the age of 16, a constant attendance allowance under any Service Pensions Instrument, Personal Injuries Scheme or 1914-1918 War Injuries Scheme, an increase of disablement pension under section 61 of the Act in respect of constant attendance and any benefit corresponding to such an increase under a Pneumoconiosis and Byssinosis Benefit Scheme or under regulations under section 150(3)(b)(i) of the Act.

(4) Paragraph (1) above shall not apply in relation to any year—

- (a) if the person in question is a woman who has made, or is treated as having made, an election in accordance with regulations under Article 5(2) of the Social Security Pensions (Northern Ireland) Order 1975 and that election had effect at the beginning of that year; or
- (b) if the person in question does not furnish such information relevant to the question whether in that year he was, within the meaning of these regulations, precluded from regular employment by responsibilities at home as the Department may from time to time require.

Miscellaneous amendments and revocations

3.—(1) In regulation 3(1)(a) of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(h), as amended(i), after “sickness benefit” and “paragraph 1” there shall be inserted in each case “or” and there shall be omitted “or Category A retirement pension” and “or 5”.

(2) Regulations 3(2), (4), (6) and (8), 4, 7, 9 and 11 of, and the Schedule to, those regulations are hereby revoked together with regulation 17 of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(j) and regulation 5(3) of the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1977(k).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 10th April 1978.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

(f) S.I. 1975/1504 (N.I. 16)
(g) S.I. 1977/2156 (N.I. 27)
(h) S.R. 1975 No. 19 (I, p. 98)

(i) There are no relevant amending regulations
(j) S.R. 1977 No. 74
(k) S.R. 1977 No. 280

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations define the expression "precluded from regular employment by responsibilities at home" in paragraph 5(6) and (7) of Schedule 3 to the Social Security (Northern Ireland) Act 1975, as amended, (deemed satisfaction of the second contribution condition for Category A and B retirement pensions, widowed mother's allowance and widow's pension under that Act). They also modify or revoke certain provisions of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975 and the Social Security (Benefit) (Married Women and Widows) (Amendments and Transitional Provisions) Regulations (Northern Ireland) 1975 relating to entitlement to Category A and B retirement pensions, widow's pension and widowed mother's allowance for women whose marriages have terminated.