

1988 No. 125

SOCIAL SECURITY

The Social Security Pensions (Home Responsibilities) (Amendment) Regulations (Northern Ireland) 1988

Made 31st March 1988

Coming into operation 6th April 1988

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 13(6) of, and paragraph 5(6) of Schedule 3 to, the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security Pensions (Home Responsibilities) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 6th April 1988.

Amendment of regulation 2 of the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations (Northern Ireland) 1978

2.—(1) Regulation 2 of the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations (Northern Ireland) 1978(b) (preclusion from regular employment for the purposes of paragraph 5(6) of Schedule 3 to the Act) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) Except in relation to a year ending before 6th April 1988, the following paragraphs shall be substituted for paragraphs (1) and (2)—

“(1) For the purpose of paragraph 5(6) of Schedule 3 to the Act a person shall, subject to paragraph (4) below, be precluded from regular employment by responsibilities at home in any year—

- (a) throughout which he satisfies any of the conditions specified in paragraph (2) below;
- (b) in which he satisfies, for at least 48 weeks in that year, the conditions specified in paragraph (2A) below; or
- (c) throughout which he satisfies, for part of the year, any of the conditions specified in paragraph (2) below and, for the remainder of the year, the conditions specified in paragraph (2A) below.

(a) 1975 c. 15; section 13(6) was amended by paragraph 1(6) of Schedule 8 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraph 5(6) of Schedule 3 was inserted by Article 21(3) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and substituted by paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(b) S.R. 1978 No. 102; relevant amending regulations are S.R. 1981 No. 71

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

(a) that child benefit, awarded to him under the Child Benefit (Northern Ireland) Order 1975(a), was payable in respect of a child under the age of 16;

(b) that—

(i) as a person to whom paragraph 4 of Schedule 1 to the Income Support (General) Regulations (Northern Ireland) 1987(b) applies he is not required to be available for employment, and

(ii) income support is payable to him.

(2A) The conditions referred to in paragraph (1)(b) and (c) above are 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.

(2B) In respect of any day falling before 11th April 1988 in the 1988/89 year, the following provisions shall be substituted for paragraph (2)(b) above—

“(b) that a supplementary allowance under the Supplementary Benefits (Northern Ireland) Order 1977(c) was payable to him, he being a person who by reason of his being engaged in caring for an elderly or incapacitated person was excepted, under regulation 6 of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(d) from the requirement to register for employment as a condition of his right to that allowance.””.

(3) In paragraph (3) for “paragraph (2)(b) above” there shall be substituted “paragraph (2A) above”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 31st March 1988.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.I. 1975/1504 (N.I. 16)

(b) S.R. 1987 No. 459

(c) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(d) S.R. 1981 No. 371; relevant amending regulations are S.R. 1982 Nos. 240 and 295, S.R. 1983 Nos. 76 and 191, S.R. 1986 No. 266 and S.R. 1987 No. 149

(This note is not part of the Regulations.)

These regulations further amend the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations (Northern Ireland) 1978. They enable a person who is unable to work because he is engaged in caring for a disabled person at home to count towards satisfaction of the second contribution condition for a retirement pension any year in which the disabled person receives certain benefits for a minimum of 48 weeks in the year. The regulations also replace references to supplementary benefit with references to the equivalent income support provisions. The regulations apply in relation to tax years beginning on or after 6th April 1988.

These regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.