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STATUTORY INSTRUMENTS

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**2008 No. 498**

**SOCIAL SECURITY**

**The Social Security Pensions (Home Responsibilities) Amendment Regulations 2008**

*Made* - - - - 27th February 2008  
*Laid before Parliament* 4th March 2008  
*Coming into force* - - 6th April 2008

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 175(3) of, and paragraph 5(7)(b) and (7A) of Schedule 3 to the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it<sup>(2)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Social Security Pensions (Home Responsibilities) Amendment Regulations 2008 and shall come into force on 6<sup>th</sup> April 2008.

**Amendment of the Social Security Pensions (Home Responsibilities) Regulations 1994**

2.—(1) Regulation 2 of the Social Security Pensions (Home Responsibilities) Regulations 1994 (3) (preclusion from regular employment for the purpose of paragraph 5(7)(b) of Schedule 3 to the Act) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (a) insert—

“(aa) that child benefit awarded to his partner was payable in respect of a child under the age of 16;”;

(b) for sub-paragraph (b)(i) substitute—

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(1) 1992 c.4. Paragraph 5(7A) is inserted by the Child Support, Pensions and Social Security Act 2000 (c.19), section 40.  
(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c.5).  
(3) S.I.1994/704. Regulation 2 is amended by S.I.2001/1265 and 1326, 2003/1767 and 2005/48.

- “(i) he is a person to whom paragraphs 4 to 6 of Schedule 1B to the Income Support (General) Regulations 1987(4) apply, and”;
- (c) at the end of sub-paragraph (c), add “throughout the year 2003-2004 or any subsequent year”.
- (3) After paragraph (4B) insert—
- “(4C) In paragraph (2)(aa), “partner” means the person with whom he was both residing and sharing responsibility for the child throughout that year.”.
- (4) After paragraph (5)(a) insert—
- “(aza) in the case of a person who satisfies the condition in paragraph (2)(aa) above—
- (i) such information is not furnished as the Secretary of State may from time to time require which is relevant to the question of whether in that year he was precluded from regular employment by responsibilities at home within the meaning of these Regulations;
- (ii) he attained pensionable age on or before 5<sup>th</sup> April 2008 or, in relation to a claim for a bereavement benefit in respect of his death, he died on or before that date; or
- (iii) the aggregate of his partner’s earnings factors—
- (aa) in respect of any year preceding 2002-2003;
- (bb) in respect of the year 2002-2003 or any subsequent year, where those earnings factors are derived from so much of his earnings as do not exceed the upper earnings limit and upon which primary Class 1 contributions have been paid or treated as paid,
- is less than the qualifying earnings factor for the year in question.”.

Signed by authority of the Secretary of State for Work and Pensions

27th February 2008

*Mike O'Brien*  
Minister of State,  
Department for Work and Pensions.

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(4) S.I.1987/1967. Schedule 1B is inserted by S.I.1996/206. Paragraph 4 is amended by S.I.1996/1517, 2000/681, 2002/490 and 2002/2497.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security Pensions (Home Responsibilities) Regulations 1994 (S.I.1994/704) so as to enable the partners of persons getting child benefit for children under the age of 16, in certain circumstances, to get home responsibilities protection in their own right if their partner does not need that protection himself (regulation 2(2)(a), (3) and (4)). They also update an obsolete reference in those Regulations to the Income Support (General) Regulations 1987 (S.I.1987/1967) (regulation 2(2)(b)) and clarify the time from when foster parents can get such protection (regulation 2(2)(c)).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.