STATUTORY INSTRUMENTS

2017 No. 1015

The Social Security (Miscellaneous Amendments No. 4) Regulations 2017

Amendment of the State Pension Regulations 2015

17.—(1) Regulation 35 of the State Pension Regulations 2015 (credit for persons providing care for a child under the age of 12)(**1**) is amended as follows.

(2) For paragraphs (3) and (4) substitute—

"(3) The person ('A') referred to in paragraph (1) is not entitled to be credited with a Class 3 contribution unless—

(a) child benefit was awarded to another person ('B') in respect of—

(i) the child, or each child, for whom A provided care, and

(ii) the week in which A provided that care,

(b) B's earnings factors, other than those derived from a Class 3 contribution credit awarded under regulation 34, exceed the qualifying earnings factor for the year in which the relevant week falls, and

(c) A makes an application to the Secretary of State to be so credited in accordance with paragraph (5) and regulation 39.

(4) Where the requirements relating to the provision of care by A in paragraph (3)(a)(i) can be satisfied by more than one person in respect of a week in which B was awarded child benefit—

(a) those persons shall elect, with the agreement of B, which of them is to be credited with a Class 3 contribution credit (and then only the elected person is to be so credited), or

(b) the Secretary of State is to exercise his discretion to determine which of those persons is to be credited with that contribution, in default of the agreement referred to in sub-paragraph (a).".

(3) In paragraph (5)—

(a) for "(4)(c)", substitute "(3)(c)",

(b) in sub-paragraphs (a) and (c), after "the child" insert ", or each child,".

(**1**) S.I. 2015/173. Regulation 35 was inserted by S.I. 2016/240.