
STATUTORY INSTRUMENTS

2005 No. 48

SOCIAL SECURITY

The Social Security Pensions (Home Responsibilities) (Amendment) Regulations 2005

<i>Made</i>	- - - -	<i>12th January 2005</i>
<i>Laid before Parliament</i>		<i>19th January 2005</i>
<i>Coming into force</i>	- -	<i>9th February 2005</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 122(5) and 175(1) and (4) of, and paragraph 5(7)(b) of Schedule 3 to, the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Pensions (Home Responsibilities) (Amendment) Regulations 2005 and shall come into force on 9th February 2005.

Amendment of the Regulations

2.—(1) The Social Security Pensions (Home Responsibilities) Regulations 1994⁽³⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (definitions) after the definition of “foster parent”⁽⁴⁾, insert—

““the General Regulations” means the Child Benefit (General) Regulations 2003⁽⁵⁾,”

(3) In regulation 2 (preclusion from regular employment for the purpose of paragraph 5(7)(b) of Schedule 3 to the Act) after paragraph (4A)⁽⁶⁾, insert—

“(4B) For the purposes of paragraph (2)(a) above, in respect of the year 2004-2005 or any subsequent year, where—

(1) 1992 c. 4. Section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(3) S.I. 1994/704; relevant amending Instruments are S.I. 2001/1265 and S.I. 2003/1767.
(4) The definition of “foster parent” was inserted by regulation 2(2) of S.I. 2003/1767.
(5) S.I. 2003/493.
(6) Paragraph (4A) was inserted by regulation 2 of S.I. 2001/1265.

- (a) a notice is given under regulation 15(1) of the General Regulations (modification of priority between persons entitled to child benefit) by the person who is entitled to child benefit;
- (b) that notice becomes effective in relation to any week falling in the first three months of a year;
- (c) as a result of that notice, child benefit becomes payable to another person (“the new payee”) in priority to anyone else;
- (d) for each week of that year prior to that notice becoming effective, child benefit would, but for the provisions of regulation 15(2)(b) of those Regulations, have been payable to the new payee; and
- (e) no other notice under regulation 15(1) of those Regulations was given in respect of the same child which became effective during any week referred to in subparagraph (d);

the new payee shall be treated as if he were entitled to child benefit and, accordingly, as if child benefit were payable to him for each week of the year prior to the notice becoming effective.”

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

12th January 2005

Malcolm Wicks
Minister of State,
Department for Work and Pensions

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) (“the 1994 Regulations”).

Regulation 2(2) amends regulation 1 of the 1994 Regulations by the insertion of a new definition of “the General Regulations”.

Regulation 2(3) amends regulation 2 of the 1994 Regulations by the insertion of a new paragraph (paragraph (4B)) which applies to tax years from 2004-2005 onwards where child benefit entitlement is transferred to a person in respect of a child in the first three months of a tax year and child benefit would have been payable to that person for the part of that year falling before that transfer but for the provisions of regulation 15(2)(b) of the Child Benefit (General) Regulations 2003 (S.I. 2003/493). Where it applies, new paragraph (4B) provides that such a person shall be treated as if he were entitled to child benefit and as if child benefit had been payable to him for that part of that year, in order to be treated for the purpose of the 1994 Regulations as precluded from regular employment in that year due to responsibilities at home.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.