
STATUTORY INSTRUMENTS

2010 No. 19

**The Social Security (Contributions Credits
for Parents and Carers) Regulations 2010**

PART 2

Meaning of “foster parent” and “engaged in caring”

Meaning of “foster parent”

4.—(1) For the purposes of subsection (3)(b) of section 23A (contributions credits for relevant parents and carers), a foster parent is a person approved as—

(a) a foster parent in accordance with Part 4 (approval of foster parents) of the Fostering Services Regulations 2002 ^{M1}; ^{F1}...

[^{F2}(aa) a kinship carer in accordance with Part 5 (kinship care) of the Looked After Children (Scotland) Regulations 2009;]

(b) a foster carer in accordance with Part 7 (fostering) of the Looked After Children (Scotland) Regulations 2009 ^{M2}[^{F3}; or

(c) a foster parent in accordance with Part 2 (approvals and placements) of the Foster Placement (Children) Regulations (Northern Ireland) 1996]

(2) Paragraph (1) is subject to regulation 8.

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| F1 | Word in reg. 4(1)(a) omitted (5.4.2011) by virtue of The National Insurance Contributions Credits (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/709) , regs. 1, 3(2)(a) |
| F2 | Reg. 4(1)(aa) inserted (5.4.2011) by The National Insurance Contributions Credits (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/709) , regs. 1, 3(2)(b) |
| F3 | Reg. 4(1)(c) and preceding word inserted (5.4.2011) by The National Insurance Contributions Credits (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/709) , regs. 1, 3(2)(c) |

Marginal Citations

- M1** [S.I. 2002/57](#). Relevant amending instruments are [S.I. 2002/865](#) and [S.I. 2008/640](#).
M2 [S.S.I. 2009/210](#).

Meaning of “engaged in caring”

5.—(1) For the purposes of subsection (3)(c) of section 23A, a person is engaged in caring in a week—

(a) if that person is the partner of a person who is awarded child benefit for any part of that week in respect of a child under the age of 12;

(b) if that person is caring for another person or persons for a total of 20 or more hours in that week and—

- (i) that other person is, or each of the persons cared for are, entitled to a relevant benefit for that week; or
 - (ii) the Secretary of State considers that level of care to be appropriate;
 - (c) if that person is one to whom any of paragraphs 4 to 6 (persons caring for another person) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987 ^{M3} applies.
- (2) Paragraph (1) is subject to regulations 6 to 8.

Marginal Citations

M3 S.I. 1987/1967. Schedule 1B was inserted by S.I. 1996/206. Relevant amending instruments are S.I. 1996/1517, S.I. 2000/681, S.I. 2001/859, S.I. 2002/490 and S.I. 2002/2497.

Limit on the period in respect of partners of persons awarded child benefit

6.—(1) Regulation 5(1)(a) does not apply to any week which falls within a tax year in respect of which the person awarded child benefit satisfies the following condition.

(2) The condition is that that person's earnings factor for the purposes of section 45 (additional pension in a Category A retirement pension) does not exceed the qualifying earnings factor for that year.

(3) In calculating a person's earnings factor for the purposes of paragraph (2), no account is to be taken of any earnings factor derived from contributions credited by virtue of that person being a relevant carer due to an award of child benefit.

Additional period in respect of entitlement to carer's allowance [^{F4}or carer support payment] and relevant benefits

7.—(1) A person is engaged in caring for a period of 12 weeks—

- (a) prior to the date on which that person becomes entitled to carer's allowance by virtue of subsection (1) of section 70 (carer's allowance) [^{F5}or carer support payment under the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023];
- (b) subject to paragraph (2), following the end of the week in which that person ceases to be entitled to carer's allowance by virtue of that subsection [^{F6}or carer support payment by virtue of those Regulations];
- (c) following the end of a week in which regulation 5(1)(b) ceases to be satisfied.

(2) For the purposes of paragraph (1)(b), a person is not engaged in caring in a week in respect of which that person is entitled, under regulations made under subsection (5) of section 22 (earnings factors), to be credited with contributions by virtue of being entitled to an allowance under section 70 [^{F7}or a payment under the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023].

F4 Words in reg. 7 heading inserted (19.11.2023) by The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), 20(2)(a)

F5 Words in reg. 7(1)(a) inserted (19.11.2023) by The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), 20(2)(b)

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| <p>F6 Words in reg. 7(1)(b) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), 20(2)(c)</p> <p>F7 Words in reg. 7(2) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), 20(2)(d)</p> |
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Disqualification due to residence or imprisonment

8. A person is not a foster parent or engaged in caring for the purposes of section 23A during any period in respect of which that person is—

- (a) not ordinarily resident in Great Britain; or
- (b) undergoing imprisonment or detention in legal custody.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Contributions Credits for Parents and Carers) Regulations 2010, PART 2.