
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 88

SOCIAL SECURITY

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

Made - - - - - *6th March 2008*

Coming into operation *6th April 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 171(3) and (5) of, and paragraph 5(7)(b) and (7A) of Schedule 3 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and now vested in it⁽²⁾.

Citation and commencement

1. These Regulations may be cited as the Social Security Pensions (Home Responsibilities) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 6th April 2008.

Amendment of the Social Security Pensions (Home Responsibilities) Regulations

2. In regulation 2 of the Social Security Pensions (Home Responsibilities) Regulations (Northern Ireland) 1994⁽³⁾ (preclusion from regular employment for the purpose of paragraph 5(7)(b) of Schedule 3 to the Act)—

(a) in paragraph (2)—

(i) 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;”,

(ii) in sub-paragraph (b), for head (i) substitute—

“(i) he is a person to whom paragraphs 4 to 6 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987⁽⁴⁾ apply, and”,

(1) 1992 c.7; paragraph 5(7A) was inserted by section 36 of the [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000](#) (c. 4 (N.I.))

(2) See Article 8(b) of [S.R. 1999 No. 481](#)

(3) [S.R. 1994 No. 89](#); relevant amending Regulations are [S.R. 2003 No. 486](#) and [S.R. 2005 No. 16](#)

(4) [S.R. 1987 No. 459](#); Schedule 1B was inserted by regulation 22 of [S.R. 1996 No. 199](#); paragraph 4 of that Schedule was amended by regulation 33 of [S.R. 1996 No. 358](#), regulation 4(1) of [S.R. 2000 No. 74](#), regulation 3(3) of [S.R. 2002 No. 80](#) and paragraph 1(g) of the Schedule to [S.R. 2002 No. 323](#)

- (iii) in sub-paragraph (c)(5), at the end add “throughout the year 2003-04 or any subsequent year”.
- (b) After paragraph (4B)(6) 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.”.
- (c) After paragraph (5)(a) insert—
 - “(aza) if in the case of a person who satisfies the condition in paragraph (2)(aa)—
 - (i) such information is not furnished as the Department 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 5th 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 2002-03;
 - (bb) in respect of the year 2002-03 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.”.

Sealed with the Official Seal of the Department for Social Development on 6th March 2008

(L.S.)

John O’Neill
A senior officer of the Department for Social
Development

(5) Sub-paragraph (c) was inserted by regulation 2(3)(a) of S.R. 2003 No. 486
(6) Paragraph (4B) was inserted by regulation 2(3) of S.R. 2005 No. 16

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Pensions (Home Responsibilities) Regulations (Northern Ireland) 1994.

Regulation 2(a)(i), (b) and (c) enables the partner of a person 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.

Regulation 2(a)(ii) updates an obsolete reference to the Income Support (General) Regulations (Northern Ireland) 1987. Regulation 2(a)(iii) clarifies the time from when foster parents can get home responsibilities protection.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.