

2003 No. 486

SOCIAL SECURITY

**The Social Security Pensions (Home Responsibilities)
(Amendment) Regulations (Northern Ireland) 2003**

Made - - - - - 25th November 2003

Coming into operation 29th December 2003

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

Citation and commencement

1. These Regulations may be cited as the Social Security Pensions (Home Responsibilities) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 29th December 2003.

Amendment of the Social Security Pensions (Home Responsibilities) Regulations

2.—(1) The Social Security Pensions (Home Responsibilities) Regulations (Northern Ireland) 1994(c) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 1(2) (interpretation) after the definition of “child benefit” there shall be inserted the following definition –

““foster parent” means a person approved as a foster parent in accordance with the provisions of regulation 3 of the Foster Placement (Children) Regulations (Northern Ireland) 1996(d);”.

(3) In regulation 2 (preclusion from regular employment for the purpose of paragraph 5(7)(b) of Schedule 3 to the Act) –

(a) in paragraph (2) after sub-paragraph (b) there shall be added the following sub-paragraph –

“(c) that he was a foster parent.”;

(b) in paragraph (5)(e) after sub-paragraph (a) there shall be inserted the following sub-paragraph –

“(aa) in the case of a person who satisfies the condition in paragraph (2)(c) of this regulation in respect of the year 2003-04 or any subsequent year, if he does not furnish such information as the Department may from time to time require which

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21); paragraph 5(7A) of Schedule 3 was inserted by section 36 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1994 No. 89, amended by S.R. 2001 No. 440

(d) S.R. 1996 No. 467

(e) Paragraph (5) was amended by regulation 7(b) of S.R. 2001 No. 440

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, or”.

Sealed with the Official Seal of the Department for Social Development on 25th November 2003.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Social Security Pensions (Home Responsibilities) Regulations (Northern Ireland) 1994 (“the principal Regulations”).

Regulation 2 amends the principal Regulations to provide that home responsibilities protection shall be available to a person who is to be taken to have been precluded from regular employment by responsibilities at home in respect of the tax year 2003-2004 and any subsequent tax year throughout which he was an approved foster parent, subject to providing the Department for Social Development with such information as it may require for the purpose of determining whether in that year he was so precluded.

The 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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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