

**2005 No. 16**

**SOCIAL SECURITY**

**The Social Security Pensions (Home Responsibilities)  
(Amendment) Regulations (Northern Ireland) 2005**

*Made* - - - - - *17th January 2005*

*Coming into operation* *23rd February 2005*

The Department for Social Development, in exercise of the powers conferred by sections 121(5) and 171(1) and (4) of, and paragraph 5(7)(b) 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) 2005 and shall come into operation on 23rd February 2005.

**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 “foster parent”(d) there shall be inserted the following definition –

““the General Regulations” means the Child Benefit (General) Regulations 2003(e);”.

(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)(f) there shall be inserted the following paragraph –

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

- (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;

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(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

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

(c) S.R. 1994 No. 89; relevant amending regulations are S.R. 2001 No. 440 and S.R. 2003 No. 486

(d) The definition of “foster parent” was inserted by regulation 2(2) of S.R. 2003 No. 486

(e) S.I. 2003/493

(f) Paragraph (4A) was inserted by regulation 7(a) of S.R. 2001 No. 440

- (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 sub-paragraph (d) above;

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.”.

Sealed with the Official Seal of the Department for Social Development on 17th January 2005.

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Social Security Pensions (Home Responsibilities) Regulations (Northern Ireland) 1994 (“the 1994 Regulations”) to provide that from the tax year 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 that 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.

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.

These Regulations do not impose a charge to business.

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