
STATUTORY INSTRUMENTS

1994 No. 704

SOCIAL SECURITY

The Social Security Pensions (Home Responsibilities) Regulations 1994

<i>Made</i>	- - - -	<i>11th March 1994</i>
<i>Laid before Parliament</i>		<i>15th March 1994</i>
<i>Coming into force</i>	- -	<i>6th April 1994</i>

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 21(3) and 175(1) to (5) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Pensions (Home Responsibilities) Regulations 1994, and shall come into force on 6th April 1994.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Contributions and Benefits Act 1992;

“child benefit” means child benefit within the meaning of section 141 of the Act;

“Personal Injuries Scheme”, “Pneumoconiosis and Byssinosis Benefit Scheme”, “Service Pensions Instrument” and “1914-1918 War Injuries Scheme” have the same meaning as assigned to them in regulation 2 of the Social Security (Overlapping Benefits) Regulations 1979⁽³⁾;

“year” means tax year.

⁽¹⁾ 1992 c. 4.

⁽²⁾ See section 173(1)(b) of the Social Security Administration Act 1992 c. 5.

⁽³⁾ S.I. 1979/597; the relevant amending instrument is 1980/1927.

Preclusion from regular employment for the purpose of paragraph 5(7)(b) of Schedule 3 to the Act

2.—(1) For the purpose of paragraph 5(7)(b) of Schedule 3 to the Act a person shall, subject to paragraph (5) below, be taken to be precluded from regular employment by responsibilities at home in any year—

- (a) throughout which he satisfies any of the conditions specified in paragraph (2) below;
- (b) throughout which he satisfies the conditions specified in paragraph (3) below; or
- (c) in which he satisfies, for part of the year, any of the conditions specified in paragraph (2) below and for the remainder of the year, the condition specified in paragraph (3)(a) below.

(2) The conditions specified in this paragraph are—

- (a) that child benefit awarded to him was payable in respect of a child under the age of 16;
- (b) that—
 - (i) as a person to whom paragraph 4 of Schedule 1 to the Income Support (General) Regulations 1987(4) applies he is not required to be available for employment, and
 - (ii) income support is payable to him.

(3) The conditions specified in this paragraph are—

- (a) that he was regularly engaged, for at least 35 hours per week, in caring for a person in respect of whom there was payable any of the benefits specified in paragraph (4) below;
- (b) that those benefits were payable to that person for at least 48 weeks in that year.

(4) The benefits referred to in paragraph (3) above are an attendance allowance under section 64 of the Act, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the Act, a constant attendance allowance under any Service Pensions Instrument, Personal Injuries Scheme or 1914-1918 War Injuries Scheme, an increase of disablement pension under section 104 of the Act in respect of constant attendance and any benefit corresponding to such an increase under a Pneumoconiosis and Byssinosis Benefit Scheme or under Regulations under paragraph 7(2) of Schedule 8 to the Act.

(5) Except where paragraph (6) below applies, paragraph (1) above shall not apply in relation to any year—

- (a) if the person in question is a woman who has made or is treated as having made an election in accordance with regulations having effect under section 19(4) of the Act(5) and that election had effect at the beginning of that year; or
- (b) if the person in question does not furnish such information as the Secretary of State may from time to time require which is relevant to the question of whether in that year he was, within the meaning of these Regulations, precluded from regular employment by responsibilities at home.

(6) This paragraph applies to a woman who throughout the period beginning on 6th April 1975 and ending on 5th April 1980—

- (a) had no earnings in respect of which primary Class 1 contributions were payable; and
- (b) was not at any time a self-employed earner.

(4) [S.I. 1987/1967](#). Paragraph 4 of Schedule 1 was substituted by [S.I. 1991/1559](#) and amended by [S.I. 1991/2742](#).

(5) Section 19(4) consolidates section 3(2) of the Social Security Pensions Act 1975 c. 60. which previously gave the power to make such regulations.

Revocations

3. The provisions specified in Columns (1) and (2) of the Table in the Schedule to these Regulations are hereby revoked to the extent specified in Column (3) of that Table.

Signed by authority of the Secretary of State for Social Security.

11th March 1994

William Hague
Parliamentary Under-Secretary of State,
Department of Social Security

Status: This is the original version (as it was originally made).

THE SCHEDULE

Regulation 3

THE TABLE

(1) Column	(2) Column	(3) Column
The Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978	S.I. 1978/508	Regulations 1(2) and 2
The Social Security Pensions (Home Responsibilities and Graduated Retirement Benefit) Amendment Regulations 1981	S.I. 1981/330	The Whole Regulations
The Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988	S.I. 1988/623	The Whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, provisions contained in the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978, (“the 1978 Regulations”) relating to the contribution conditions for entitlement to retirement pension applicable to persons who have home responsibilities. The amendments are contained in:

- regulation 2(1)(b) and (c) which relax the conditions subject to which a person may qualify for home responsibilities protection;
- regulation 2(6) which makes new provision for protection to be afforded to certain married women and widows who, prior to 6th April 1975, had elected to pay Class 1 national insurance contributions at the reduced rate.

Regulations 1(2) and 2 of the 1978 Regulations are revoked, as also are the Social Security Pensions (Home Responsibilities and Graduated Retirement Benefit) Amendment Regulations 1981 and the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988.

These Regulations do not impose any costs on business.