
STATUTORY INSTRUMENTS

2005 No. 48

The Social Security Pensions (Home Responsibilities) (Amendment) Regulations 2005

Amendment of the Regulations

2.—(1) The Social Security Pensions (Home Responsibilities) Regulations 1994⁽¹⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (definitions) after the definition of “foster parent”⁽²⁾, insert—

““the General Regulations” means the Child Benefit (General) Regulations 2003⁽³⁾,”

(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)⁽⁴⁾, insert—

“(4B) For the purposes of paragraph (2)(a) above, 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;
- (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 subparagraph (d);

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.”

(1) [S.I. 1994/704](#); relevant amending Instruments are [S.I. 2001/1265](#) and [S.I. 2003/1767](#).

(2) The definition of “foster parent” was inserted by regulation 2(2) of [S.I. 2003/1767](#).

(3) [S.I. 2003/493](#).

(4) Paragraph (4A) was inserted by regulation 2 of [S.I. 2001/1265](#).