
STATUTORY INSTRUMENTS

2015 No. 173

The State Pension Regulations 2015

[^{F1}PART 8

National Insurance Credits

CHAPTER 3

Crediting earnings or contributions in respect of a
qualifying year or a post-commencement qualifying year

[^{F1}Credits for persons engaged in caring

37.—(1) Subject to paragraph (5), a person is to be credited with a Class 3 contribution in respect of a week in which the person is engaged in caring.

(2) A person is engaged in caring in a week if the person is—

- (a) caring for another person or persons for a total of 20 or more hours in that week and—
 - (i) that other person is, or each of the persons cared for are, entitled to a relevant benefit for that week, or
 - (ii) the Secretary of State considers that level of care to be appropriate; or
- (b) a person to whom one or more of paragraphs 4 to 6 (persons caring for another person) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987 applies.

(3) A person is not engaged in caring for the purposes of this regulation during any period in respect of which the person is—

- (a) not ordinarily resident in Great Britain, or
 - (b) undergoing imprisonment or detention in legal custody.
- (4) For the purposes of paragraph (2)(a)(i), “relevant benefit” means—
- (a) attendance allowance in accordance with section 64 of the 1992 Act;
 - (b) the care component of disability living allowance in accordance with section 72 of the 1992 Act, at the middle or highest rate prescribed in accordance with subsection (3) of that section;
 - (c) an increase in the rate of disablement pension in accordance with section 104 of the 1992 Act;
 - (d) any benefit which is payable as if an injury or disease were one in respect of which a disablement pension would for the time being be payable in respect of an assessment of 100 per cent., by virtue of—
 - (i) the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983;
 - or

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Changes to legislation: There are currently no known outstanding effects for the The State Pension Regulations 2015, Section 37. (See end of Document for details)

- (ii) regulations made under section 64(3) of the 2012 Act (injuries arising before 5 July 1948);
- (e) a constant attendance allowance payable by virtue of—
 - (i) article 8 (constant attendance allowance) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006; or
 - (ii) article 14 (constant attendance allowance) of the Personal Injuries (Civilians) Scheme 1983;
- (f) the daily living component of personal independence payment in accordance with section 78 of the 2012 Act;
- (g) armed forces independence payment in accordance with the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.
- [the care component of child disability payment at the middle or highest rate in accordance
- ^{F2}(h) with regulation 11 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021^[F3;]]
- [the daily living component of adult disability payment at the standard or enhanced rate
- ^{F4}(i) payable in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.]
- (5) Except in a case to which paragraph (8) applies, a person is not entitled to be credited with a Class 3 contribution under paragraph (2)(a) unless an application to be so credited is received by the Secretary of State in accordance with paragraph (6) and regulation 39.
- (6) An application under paragraph (5) must include—
 - (a) a declaration by the applicant that the applicant cares for a person or persons for 20 or more hours in a week,
 - (b) the name and, where known, the national insurance number of each person cared for,
 - (c) where applicable, which relevant benefit each person cared for is entitled to, and
 - (d) where requested by the Secretary of State, a declaration signed by an appropriate person as to the level of care which is required for each person cared for.
- (7) For the purposes of paragraph (6)(d), an appropriate person is a person who is—
 - (a) involved in the health care or social care of the person cared for, and
 - (b) considered by the Secretary of State as appropriate to make a declaration as to the level of care required.
- (8) This paragraph applies in the case of a woman in respect of a week in any part of which an election made by her under regulations under section 19(4) of the 1992 Act (reduced rate election for married women) is in force.]

Textual Amendments

- F1** Pt. 8 inserted (6.4.2016 coming into force in accordance with reg. 1) by [The State Pension \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/240\)](#), regs. 1, 2
- F2** Reg. 37(4)(h) inserted (17.11.2021) by [The Social Security \(Scotland\) Act 2018 \(Disability Assistance for Children and Young People\) \(Consequential Modifications\) \(No. 2\) Order 2021 \(S.I. 2021/1301\)](#), arts. 1(2), 4(2)
- F3** Reg. 37(4)(h): semicolon substituted for full stop (21.3.2022) by [The Social Security \(Scotland\) Act 2018 \(Disability Assistance and Information-Sharing\) \(Consequential Provision and Modifications\) Order 2022 \(S.I. 2022/332\)](#), arts. 1(2), 15(2)(a)

- F4** Reg. 37(4)(i) inserted (21.3.2022) by The Social Security (Scotland) Act 2018 (Disability Assistance and Information-Sharing) (Consequential Provision and Modifications) Order 2022 (S.I. 2022/332), arts. 1(2), **15(2)(b)**

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Changes to legislation:

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