STATUTORY RULES OF NORTHERN IRELAND

# 1994 No. 89

# SOCIAL SECURITY

## The Social Security Pensions (Home Responsibilities)Regulations (Northern Ireland) 1994

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| *Made - - - -* | *11th March 1994* |
| *Coming into operation* | *6th April 1994* |

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 21(3) and 171(5) of, and paragraph 5(7)(b) of Schedule 3 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

**Citation, commencement and interpretation**

**1.** —

(1) These regulations may be cited as the Social Security Pensions (Home Responsibilities) Regulations (Northern Ireland) 1994 and shall come into operation on 6th April 1994.

(2) In these regulations—

"the Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"child benefit" means child benefit within the meaning of section 137 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 (Northern Ireland) 1979(**2**).

**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) of this regulation, be taken to be precluded from regular employment by responsibilities at home in any year—

(**1**) 1992 c. 7
(**2**) S.R. 1979 No. 242; relevant amending regulations are S.R. 1980 No. 451

(a) throughout which he satisfies any of the conditions specified in paragraph (2) of this regulation;

(b) throughout which he satisfies the conditions specified in paragraph (3) of this regulation, or

(c) in which he satisfies, for part of the year, any of the conditions specified in paragraph (2) of this regulation and for the remainder of the year, the condition specified in paragraph (3)(a) of this regulation.

(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 (Northern Ireland) 1987(**3**) 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) of this regulation;

(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) of this regulation 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 4(2) of Schedule 8 to the Act.

(5) Except where paragraph (6) of this regulation applies, paragraph (1) of this regulation 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 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 Department 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.

**Revocations**

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

(**3**) S.R. 1987 No. 459; paragraph 4 of Schedule 1 was substituted by regulation 11 of S.R. 1991 No. 338 and amended by S.R. 1992 No. 6