

1988 No. 623

SOCIAL SECURITY

**The Social Security Pensions (Home Responsibilities and
Miscellaneous Amendments) Amendment Regulations
1988**

<i>Made</i> - - - - -	<i>25th March 1988</i>
<i>Laid before Parliament</i>	<i>28th March 1988</i>
<i>Coming into force</i>	<i>6th April 1988</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 13(6) of, and paragraph 5(6) of Schedule 3 and Schedule 20 to, the Social Security Act 1975(a) and of all other powers enabling him in that behalf, the Social Security Advisory Committee having agreed that the proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Amendment Regulations 1988 and shall come into force on 6th April 1988.

Amendment of regulation 2 of the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978

2.—(1) Regulation 2 of the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978(c) (preclusion from regular employment for the purposes of paragraph 5(6) of Schedule 3 to the Social Security Act 1975) shall be further amended in accordance with the following provisions of this regulation.

(2) Except in relation to a tax year ending before 6th April 1988, the following paragraphs shall be substituted for paragraphs (1) and (2)—

“(1) For the purpose of paragraph 5(6) of Schedule 3 to the Act a person shall, subject to paragraph (4) below, 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) in which he satisfies, for at least 48 weeks in that year, the conditions specified in paragraph (2A) below, or
- (c) throughout 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 conditions specified in paragraph (2A) below.

(a) 1975 c.14. Section 13(6) was amended by the Social Security Act 1986 (c.50), Schedule 8, paragraph 2(6); paragraph 5(6) of Schedule 3 was added by the Social Security Pensions Act 1975 (c.60), section 19(3) and substituted by the Social Security Act 1979 (c.18), section 5, Schedule 1, paragraph 3; Schedule 20 is cited because of the meaning ascribed to the word “Regulations”.

(b) See section 10(2)(b) of the Social Security Act 1980.

(c) S.I. 1978/508; the relevant amending instrument is S.I. 1981/330.

- (2) The conditions referred to in paragraph (1)(a) and (c) above are—
- (a) that child benefit, awarded to him under the Child Benefit Act 1975(a) , 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(b) applies he is not required to be available for employment, and
 - (ii) income support is payable to him.

(2A) The conditions referred to in paragraph (1)(b) and (c) above are that he was engaged in caring for a person in respect of whom there was payable any of the benefits specified in paragraph (3) below and was regularly so engaged for at least 35 hours per week.

(2B) In respect of any day falling before 11th April 1988 in the 1988–1989 tax year, the following provisions shall be substituted for paragraph (2)(b) above—

- (b) that a supplementary allowance under the Supplementary Benefits Act 1976(c) was payable to him, he being a person who by reason of his being engaged in caring for an elderly or incapacitated person was excepted, under regulation 6 of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981(d) from the requirement to register for employment as a condition of his right to that allowance’.

(3) In paragraph (3) for the words “paragraph (2)(b) above” there shall be substituted the words “paragraph (2A) above”.

Signed by Authority of the Secretary of State for Social Services.

25th March 1988

Michael Portillo
Parliamentary Under-Secretary of State,
Department of Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 6th April 1988, amend the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978. They enable a person who is unable to work because he is engaged in caring for a disabled person at home to count towards satisfaction of the second contribution condition for a retirement pension any year in which the disabled person receives certain benefits for a minimum of 48 weeks in the year. The Regulations also replace references to supplementary benefit with references to the equivalent income support provisions. The Regulations apply in relation to tax years beginning on or after 6th April 1988.

(a) 1975 c.61.

(b) S.I. 1987/1967.

(c) 1976 c.71, as amended by the Social Security Act 1980 (c.30).

(d) S.I. 1980/1586, to which there are amendments not relevant to these regulations.

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