

1978 No. 508

SOCIAL SECURITY

The Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978

Laid before Parliament in draft

Made - - - *30th March 1978*

Coming into Operation *6th April 1979*

Whereas a draft of the following regulations was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 33(2) and 130(1) of and paragraph 5(6) and (7) of Schedule 3 to the Social Security Act 1975(a) as amended by section 19 of the Social Security Pensions Act 1975(b) and of all other powers enabling him in the behalf, hereby makes the following regulations, which only make provision consequential on the passing of the Social Security Pensions Act 1975 and which accordingly by virtue of section 61(1)(e) of the latter Act are not subject to the requirements of section 139(1) of the Social Security Act 1975 for prior reference to the National Insurance Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978, and shall come into operation on 6th April 1979.

(Reg. 1(2), reproduced below, was revoked by the Sch. to S.I. 1994/704 as from 6.4.94, but is being retained in this work for a transitional period.)

- ▶(2) In these regulations, unless the context otherwise requires—
 - “the Act” means the Social Security Act 1975;
 - “Personal Injuries Scheme”, “Service Pensions Instrument”, “1914–1918 War Injuries Scheme” and “Pneumoconiosis and Byssinosis Benefit Scheme” have the meaning assigned to them in regulation 2 of ▶the Social Security (Overlapping Benefits) Regulations 1979(c), ◀; and
 - “year” means tax year.◀

Reg.1(2) revoked by Sch. to S.I. 1994/704 as from 6.4.94 (but is still reproduced temporarily).

Words substituted by reg. 2(2) of S.I. 1981/330 as from 3.4.81.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces or which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the

- (a) 1975 c.14.
- (b) 1975 c.60
- (c) S.I. 1979/597, amended by S.I. 1980/1927.

Interpretation Act 1889(a) shall apply in relation to this instrument and to the regulations revoked by it as if this instrument and the regulations revoked by it were Acts of Parliament and the revocations were repeals.

[Reg. 2, reproduced below, was revoked by the Sch. to S.I. 1994/704 as from 6.4.94, but is being retained in this work for a transitional period.]

Reg. 2 revoked by Sch. to S.I. 1994/704 as from 6.4.94 (but is still reproduced temporarily).
Reg.2(1)–(2B) substituted by reg. 2(2) of S.I. 1988/623 as from 6.4.88.

►Preclusion from regular employment for the purposes of paragraph 5(6) and (7) of Schedule 3 to the Act

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.

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

* [Regulation 2(1)–(2B) above does not apply to tax years before 6.4.88. For such years, regulation 2(1)–(2) applies without the amendments made by S.I. 1988/623; the un-amended version of those paragraphs is reproduced below in small sanserif print.]

2.—(1) For the purposes of paragraph 5(6) and (7) of Schedule 3 to the Act as amended(f) a person shall, subject to paragraph (4) below, be precluded from regular employment by responsibilities at home, within the meaning of these regulations, in any year falling after that ending with 5th April 1978 throughout which he satisfied any of the conditions specified in paragraph (2) below.

(a) 1889 c.63.

(b) 1975 c.61.

(c) S.I. 1987/1967.

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

(e) S.I. 1980/1586, to which there are amendments not relevant to these regulations [re-enacted, with modifications, in S.I. 1981/1526].

(f) 1975 c.60 section 19.

- (2) The conditions referred to in paragraph (1) 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 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;
 - ▶(c) that a supplementary allowance under the Supplementary Benefits Act 1976(b) 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 1980(c), from the requirement to register for employment as a condition of his right to that allowance.◀

Sub-para. substituted by reg. 2(3) of S.I. 1981/330 as from 3.4.81.

(3) The benefits referred to in ▶paragraph (2A) above◀ are an attendance allowance under section 35 of the Act, ▶the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZZB(3) 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 61 of the Act in respect of constant attendance and any benefit corresponding to such an increase under a Penumoconiosis and Byssinosis Benefit Scheme or under regulations under section 159(3)(b)(i) of the Act.

Words in reg. 2(3) substituted by reg. 2(3) of S.I. 1988/623 as from 6.4.88.

Words substituted in reg. 2(3) by reg. 4 of S.I. 1991/2742 as from 6.4.92.

(4) 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 under section 3(2) of the Social Security Pensions Act 1975 and that election had effect at the beginning of that year; or
- (b) if the person in question does not furnish such information relevant to the question whether in that year he was, within the meaning of these regulations, precluded from regular employment by responsibilities at home as the Secretary of State may from time to time require.◀

[Regulation 3(1) amends regulation 3(1)(a) of S.I. 1974/2010.]

[Regulation 3(2) revokes regulations 3(2), (4), (6) and (8), 4, 7, 9 and 11 and the Schedule to S.I. 1974/2010 and regulation 6(4) of S.I. 1975/562.]

30th March 1978

David Ennals
Secretary of State for Social Services

(a) 1975 c.61.

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

(c) S.I. 1980/1586, to which there are amendments not relevant to these regulations [re-enacted, with modifications, in S.I. 1981/1526].

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations define the expression “precluded from regular employment by responsibilities at home” in paragraph 5(6) and (7) of Schedule 3 to the Social Security Act 1975, as amended, (deemed satisfaction of the second contribution condition for Category A and B retirement pensions, widowed mother’s allowance and widow’s pension under that Act). They also modify or revoke certain provisions of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974 and the Social Security Benefit (Married Women and Widows) (Amendments and Transitional Provisions) Regulations 1975 relating to entitlement to Category A and B retirement pensions, widow’s pension and widowed mother’s allowance for women whose marriages have terminated.