

## 1983 No. 31

## SOCIAL SECURITY

The Social Security (Credits) (Amendment) Regulations  
(Northern Ireland) 1983

Made . . . . . 2nd March 1983

Coming into operation . . . . . 6th April 1983

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 13(4) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security (Credits) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 6th April 1983.

(2) In these regulations “the principal regulations” means the Social Security (Credits) Regulations (Northern Ireland) 1975(c).

*Amendment of regulation 9 of the principal regulations*

2. Regulation 9 of the principal regulations (credits for unemployment or incapacity for work) shall be amended as follows—

(a) in paragraph (5)—

(i) after “in this regulation” there shall be inserted “except for paragraph (9)(f)”;

(ii) at the end of sub-paragraph (c) there shall be added “; or”;

(iii) after that sub-paragraph there shall be inserted the following sub-paragraph—

“(d) was a day of incapacity for work for the purposes of statutory sick pay under Article 3 of the Social Security (Northern Ireland) Order 1982(d) (statutory sick pay liability) and fell within a period of entitlement under Article 5 of that Order.”;

(b) in paragraph (8) for “paragraph (5)(b)” there shall be substituted “paragraph (5)(b) or (d)”;

(c) in paragraph (9)—

(i) at the end of sub-paragraph (e) there shall be added “; or”;

(ii) after that sub-paragraph there shall be inserted the following sub-paragraph—

(a) 1975 c. 15; section 13(4) was amended by Article 7(6) of, and the Schedule to, the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13))

(b) 1980 c. 30

(c) S.R. 1975 No. 113; relevant amending regulations are S.R. 1976 No. 321, S.R. 1977 No. 132, S.R. 1978 No. 77, S.R. 1981 No. 367 and S.R. 1982 No. 42

(d) S.I. 1982/1084 (N.I. 16)

“(f) for the relevant past year that person is entitled to a credit in respect of any one week which included one or more days of incapacity for work specified in paragraph (5)(d) being a day or days for which that person would have been entitled to sickness benefit had he duly claimed it and had all such days specified in paragraph (5)(d) in the relevant past year been treated for the purposes of the Act as days of incapacity for work.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 2nd March 1983.

(L.S.)

A. N. Burns

Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations amend the Social Security (Credits) Regulations (Northern Ireland) 1975 (“the principal regulations”).

Regulation 2 amends regulation 9 of the principal regulations which makes provision for credits for unemployment or incapacity for work.

It amends the definition for regulation 9 of “day of incapacity for work” in regulation 9(5) by including a reference to days of incapacity for work for statutory sick pay purposes under Articles 3 and 5 of the Social Security (Northern Ireland) Order 1982.

It amends regulation 9(8) by making provision for cases in which there are statutory sick pay days to be included in those cases for which a credit must be claimed.

It amends regulation 9(9) (which makes provision for credits under regulation 9 to count for the purpose of satisfying the second contribution condition for short-term benefits only in specified circumstances) by specifying a further circumstance. This is where there is entitlement to a credit for any one week in the relevant past tax year, in which there was at least one statutory sick pay day for which there would have been entitlement to sickness benefit had all statutory sick pay days in that year been treated for the purposes of the Social Security (Northern Ireland) Act 1975 as days of incapacity for work.