

1987 No. 220

SOCIAL SECURITY

**The Social Security (Credits) (Amendment No. 2)
Regulations (Northern Ireland) 1987**

Made 8th May 1987

Coming into operation 10th May 1987

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:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Credits) (Amendment No. 2) Regulations (Northern Ireland) 1987 and shall come into operation on 10th May 1987.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) in the appropriate places in alphabetical order there shall be inserted the following definitions—

“ “councillor” has the same meaning as in the Local Government Act (Northern Ireland) 1972(c);

“Education and Library Board” means a Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(d);”.

Amendment of regulation 9 of the principal regulations

3. In regulation 9 of the principal regulations (credits for unemployment or incapacity for work)—

(a) at the end of paragraph (5)(d) there shall be added “; or”;

(b) after paragraph (5)(d) there shall be added the following sub-paragraph—

“(e) by virtue of regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland)

(a) 1975 c. 15; section 13(4) was amended by the Schedule to the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13)) and paragraph 1(3) of Schedule 8 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(b) S.R. 1975 No. 113; the relevant amending regulations are S.R. 1977 No. 132, S.R. 1983 No. 31 and S.R. 1987 No. 153

(c) 1972 c. 9 (N.I.)

(d) S.I. 1986/594 (N.I. 3)

1984(a) would be deemed to be a day on which he was incapable of work, but for the fact that in the week of incapacity of which the day forms part, he was a councillor and was entitled to—

- (i) an attendance allowance payable by virtue of regulations made under section 36(1) of the Local Government Act (Northern Ireland) 1972(b); or
- (ii) a payment by way of attendance allowance in relation to his functions as a member of an Education and Library Board in accordance with Article 79(3) of the Education and Libraries (Northern Ireland) Order 1986,

which in the aggregate exceeded the maximum weekly earnings prescribed in paragraph (3) of the said regulation 3.”;

(c) at the end of paragraph (9)(f) there shall be added “; or”;

(d) after paragraph (9)(f) there shall be added the following sub-paragraph—

“(g) for the relevant past year that person is entitled to be credited with earnings in respect of any one week which included one or more days of incapacity for work specified in paragraph (5)(e):”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th May 1987.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1984 No. 245; the relevant amending regulations are S.R. 1987 No. 128

(b) 1972 c. 9 (N.I.); section 36(1) was substituted by Article 9(a) of the Financial Provisions (Northern Ireland) Order 1978 (S.I. 1978/1041 (N.I. 11))

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Certain councillors who are members of district councils or Education and Library Boards and who receive invalidity benefit, sickness benefit or severe disablement allowance, lose their entitlement to that benefit if the allowances paid to them for carrying out their official duties exceed a specified amount in any week. Hitherto, when benefit has been lost in these circumstances, entitlement to a contribution credit has been lost as well.

These regulations amend the Social Security (Credits) Regulations (Northern Ireland) 1975 to provide that, in the circumstances described above, the entitlement to a contribution credit is to remain. They also provide that the credit so awarded may be taken into account when determining whether the second contribution condition for unemployment benefit or sickness benefit has been satisfied.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.