

1988 No. 105

SOCIAL SECURITY

**The Social Security (Credits) (Amendment) Regulations
(Northern Ireland) 1988**

Made 28th March 1988

Coming into operation 6th April 1988

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) Regulations (Northern Ireland) 1988 and shall come into operation on 6th April 1988.

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

Amendment of regulation 9 of the principal regulations

2.—(1) Regulation 9 of the principal regulations (credits for unemployment or incapacity for work) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (5)(a) for “or is deemed to be such a day by virtue of section 22(3)” there shall be substituted “or is treated as such a day by virtue of section 22(4)(c)”.

(3) In paragraph (9) “, maternity grant” shall be omitted.

Insertion of regulations 9B and 9C in the principal regulations

3. After regulation 9A of the principal regulations(d) (credits for persons approaching pensionable age) there shall be inserted the following regulations—

“Credits for jury service

9B.—(1) Subject to paragraphs (2) and (3), for the purposes of entitlement to any benefit by virtue of a person’s contributions he shall be entitled to be credited with earnings equal to the lower earnings limit then

(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; relevant amending regulations are S.R. 1976 No. 321, S.R. 1977 No. 132, S.R. 1983 No. 31 and S.R. 1987 No. 153

(c) Section 22 was substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986

(d) Inserted by S.R. 1983 No. 76

in force, in respect of each week for any part of which he attended at court for jury service.

(2) A person shall be entitled to be credited with earnings in respect of a week by virtue of the provisions of this regulation only if—

- (a) his earnings in respect of that week from any employment of his as an employed earner are below the lower earnings limit then in force; and
- (b) he furnished to the Department notice in writing of his claim to be entitled to be credited with earnings and did so before the end of the benefit year immediately following the tax year in which that week or part of that week fell or within such further time as may be reasonable in the circumstances of his case.

(3) Paragraph (1) shall not apply—

- (a) to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under Article 5(2) of the Social Security Pensions (Northern Ireland) Order 1975(a) had effect; or
- (b) in respect of any week falling wholly or partly within a year commencing before 6th April 1988.

Credits for maternity pay period

9C.—(1) Subject to paragraphs (2) and (3), for the purposes of entitlement to any benefit by virtue of a woman's contributions she shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week during a maternity pay period in respect of which statutory maternity pay was paid to her.

(2) A woman shall be entitled to be credited with earnings in respect of a week by virtue of the provisions of this regulation only if she furnished to the Department notice in writing of her claim to be entitled to be credited with earnings and did so before the end of the benefit year immediately following the tax year in which that week or part of that week fell or within such further time as may be reasonable in the circumstances of her case.

(3) Paragraph (1) shall not apply to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under Article 5(2) of the Social Security Pensions (Northern Ireland) Order 1975 had effect.

(4) In this regulation “maternity pay period” and “statutory maternity pay” have the same meanings as in the Social Security (Northern Ireland) Order 1986(b).”.

Revocations and savings

4.—(1) Subject to the savings in paragraph (2), regulations 6 and 9(9)(b)(iii) of the principal regulations and regulation 4(2) of the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1976(c) are hereby revoked.

(a) S.I. 1975/1503 (N.I. 15)

(b) S.I. 1986/1888 (N.I.18); see Articles 47(1) and 48(1)

(c) S.R. 1976 No. 321

(2) The principal regulations shall have effect for the purposes of the determination of a person's entitlement to be credited with earnings or with contributions—

- (a) in respect of the year ending on 5th April 1988, as if these regulations, with the exception of that part of regulation 3 which inserts regulation 9C in the principal regulations, had not been made;
- (b) in respect of any year before 6th April 1987, as if these regulations had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th March 1988.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Credits) Regulations (Northern Ireland) 1975 ("the principal regulations"). They 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.

Regulation 2 amends regulation 9 of the principal regulations (credits for unemployment or incapacity for work). Regulation 9(5) is amended to reflect changes consequent on the substitution of a new section for section 22 of the Social Security (Northern Ireland) Act 1975. Regulation 9(9) is amended by removing the reference to maternity grant, the contribution conditions for which were removed by Article 6 of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I.8)). Abolition of maternity grant was effected by virtue of Article 39 of the Social Security (Northern Ireland) Order 1986, which came into operation on 6th April 1987.

Regulation 3 inserts new regulations 9B and 9C into the principal regulations. Regulation 9B provides for crediting a person with earnings in respect of periods of jury service. Regulation 9C provides for crediting a woman with earnings where statutory maternity pay was paid to her in a maternity pay period.

Regulation 4 contains revocations and savings.