

1991 No. 528

SOCIAL SECURITY

**The Social Security (Credits) (Amendment) Regulations
(Northern Ireland) 1991**

Made 10th December 1991

Coming into operation 6th April 1992

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) 1991 and shall come into operation on 6th April 1992.

(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) after the definition of “credits” there shall be inserted the following definition—

“ “disability working allowance” has the meaning assigned to it in Article 21 of the Social Security (Northern Ireland) Order 1986(c);”.

Insertion of regulation 7B in the principal regulations

3. After regulation 7A of the principal regulations(d) (credits for invalid care allowance) there shall be inserted the following regulation—

“Credits for disability working allowance

7B.—(1) For the purposes of entitlement to any benefit by virtue of a person’s earnings or contributions he shall, subject to paragraphs (2) and (3), be credited with earnings equal to the lower earnings limit then in force in respect of each week for any part of which a disability working allowance is paid to him.

(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, to which there are amendments not relevant to these regulations

(c) S.I. 1986/1888 (N.I. 18): paragraphs (1)(bb) and (6A) are inserted into Article 21 by Article 8(2) and (4) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(d) Inserted by regulation 19 of S.R. 1976 No. 99

- (2) Paragraph (1) shall apply to a person only if he is—
- (a) an employed earner; or
 - (b) a self-employed earner who is excepted from liability to pay Class 2 contributions by virtue of his earnings being, or being treated by regulations as, less than the amount specified in section 7(5) of the Act^(a) (exception from liability for Class 2 contributions on account of small earnings).
- (3) Paragraph (1) shall not apply—
- (a) to a person in respect of any week where he is entitled to be credited with earnings under regulation 9 in respect of the same week; or
 - (b) 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^(b) had effect.’’

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 10th December 1991.

(L.S.)

A. N. Burns

Assistant Secretary

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- (a) Section 7(5) was amended by Article 3(b) of S.R. 1991 No. 73
(b) S.I. 1975/1503 (N.I. 15)

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 Security 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 inserts into regulation 2(1) of the principal regulations a definition of disability working allowance.

Regulation 3 inserts a new regulation 7B into the principal regulations to provide for the crediting of earnings to certain persons to whom a disability working allowance is payable.