
STATUTORY INSTRUMENTS

1977 No. 788

SOCIAL SECURITY

The Social Security (Credits) Amendment Regulations 1977

<i>Made</i>	- - - -	<i>5th May 1977</i>
<i>Laid before Parliament</i>		<i>6th May 1977</i>
<i>Coming into Operation</i>		
<i>for purposes specified in regulation 1(2)</i>		<i>9th May 1977</i>
<i>for all other purposes</i>		<i>29th May 1977</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 13(4) of the Social Security Act 1975, as extended by section 2 of the Social Security (Miscellaneous Provisions) Act 1977, and section 2(1) of, and paragraph 3 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975 and of all other powers enabling him in that behalf, hereby makes the following regulations which contain provisions made by virtue of section 2 of the said Act of 1977 and which accordingly, by virtue of section 24(4) of that 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, interpretation and commencement

1.—(1) These regulations, which may be cited as the Social Security (Credits) Amendment Regulations 1977, shall be read as one with the Social Security (Credits) Regulations 1975(1), (hereinafter referred to as “the principal regulations”) as amended(2) and, subject to the following paragraph of this regulation, shall come into operation on 29th May 1977.

(2) For the purpose only of determining, before 29th May 1977, claims for, or questions arising as to, benefit for any period after 28th May 1977, these regulations shall come into operation on 9th May 1977.

Amendment of regulation 9 of the principal regulations

2. Regulation 9 of the principal regulations shall be amended by the insertion at the beginning of paragraph (1) of the words “Subject to paragraph (9) of this regulation” and by the addition after paragraph (8) of the following paragraph:—

(1) (1975 1, p. 1941).

(2) There is no amendment which relates expressly to the subject matter of these regulations.

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“(9) A Class 1 credit to which a person is entitled in respect of any week by virtue of the provisions of this regulation shall be a credit for the purpose of enabling him to satisfy the second contribution condition for entitlement to unemployment benefit, sickness benefit, maternity grant or maternity allowance only if—

- (a) in respect of the relevant past year, that person has an earnings factor of not less than thirteen times the lower earnings limit for that year which, for the purposes of entitlement to unemployment benefit, is derived from Class 1 contributions actually paid or, for any other purpose, is derived from Class 1 or Class 2 contributions actually paid; or
- (b) in respect of any day in, or as the case may be any week falling wholly or partly in, the relevant past year, there was payable to that person or, but for the operation of the Social Security (Overlapping Benefits) Regulations 1975⁽³⁾ there would have been payable to him any one of the following benefits:—
 - (i) invalidity pension under section 15 of the Act
 - (ii) invalid care allowance
 - (iii) injury benefit
 - (iv) unemployability supplement under the Act or as defined in regulation 2(1) of the Social Security (Overlapping Benefits) Regulations 1975; or
- (c) that person has claimed unemployment benefit or sickness benefit in respect of a day, or has claimed maternity allowance for which the maternity allowance period includes a day, being, in any case, a day in the relevant past year which formed part of a period of interruption of employment and such person has satisfied, or may by virtue of any enactment or regulations be treated as having satisfied, the contribution conditions for such benefit or allowance in accordance with Schedule 3 to the Act, or regulations made under section 33(2), or paragraph 3 of Schedule 2 to the former principal Act, or regulations made under section 45(1) of that Act, or regulation 2 of the Social Security (Maternity Allowance) (Transitional) Regulations 1974⁽⁴⁾ or regulation 3, 6 or 14 of the Social Security (Short-Term Benefits) (Transitional) Regulations 1974⁽⁵⁾; or
- (d) for the relevant past year that person was entitled to a credit in respect of any week by virtue of the provisions of regulation 7 or to a credit by virtue of the provisions of regulation 10(8); or
- (e) that person was entitled to a Class 1 credit by virtue of the foregoing provisions of this regulation in respect of a week in the relevant past year and either he had exhausted his right to unemployment benefit for a day or days in that week under section 18 of the Act or under section 21(1) of the former principal Act, or he had exhausted his right to sickness benefit for a day or days in that week under section 21(2) of the former principal Act:

Provided that this paragraph shall not apply in relation to:—

- (a) any unemployment or sickness benefit or maternity allowance in any case in which the relevant past year for the purpose of the second contribution condition for such benefit or allowance is the Tax year beginning with 6th April 1975 where the person claiming such benefit or allowance had, before 29th May 1977, made a claim to unemployment or sickness benefit in respect of, or maternity allowance for which the maternity allowance period included, a day before the said 29th May 1977; being a day forming part of a period of interruption of employment;

⁽³⁾ S.I. 1975/554 (1975 I, p. 1918).

⁽⁴⁾ S.I. 1974/141(1974 I, p. 458).

⁽⁵⁾ S.I. 1974/2192 (1974 III, p. 8604).

where the relevant past year for the purpose of the second contribution condition for such benefit or allowance was also the Tax year beginning 6th April 1975 and that person satisfied the contribution conditions for such benefit or allowance to the extent required to provide some entitlement thereto; or

- (b) any maternity grant, claimed within the time prescribed by the Social Security (Claims and Payments) Regulations 1975⁽⁶⁾ before 29th May 1977; or
- (c) any maternity allowance, claimed within the time prescribed by the Social Security (Claims and Payments) Regulations 1975 before 29th May 1977, for which the maternity allowance period includes a day falling before that date which formed part of a period of interruption of employment.”.

Signed by authority of the Secretary of State for Social Services,

5th May 1977

Stanley Orme
Minister for Social Security
Department of Health and Social Security

⁽⁶⁾ S.I. 1975/560 (1975 I, p. 2014).

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EXPLANATORY NOTE

These Regulations amend the Social Security (Credits) Regulations 1975 to provide that only in certain circumstances shall contributions under the Social Security Act 1975 credited for periods of unemployment or incapacity for work be credits for the purposes of entitlement to unemployment benefit, sickness benefit, maternity grant or maternity allowance.