
STATUTORY INSTRUMENTS

1983 No. 197

SOCIAL SECURITY

The Social Security (Credits) Amendment Regulations 1983

<i>Made</i>	- - - -	<i>21st February 1983</i>
<i>Laid before Parliament</i>		<i>1st March 1983</i>
<i>Coming into Operation</i>		<i>6th April 1983</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⁽¹⁾ and of all other powers enabling him in that behalf hereby makes the following regulations.

This instrument satisfies the requirements of paragraph 38 of Schedule 4 to the Social Security and Housing Benefits Act 1982 and the Secretary of State has not referred proposals to make any of the regulations contained in it to the Social Security Advisory Committee⁽²⁾.

Citation, Commencement and Interpretation

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

(2) In these regulations the expression “the principal regulations” means the Social Security (Credits) Regulations 1975⁽³⁾.

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

(b) in paragraph (5) there shall be inserted after sub-paragraph (c) the following sub-paragraph

—
“(d) was a day of incapacity for work for the purposes of statutory sick pay under section 1 of the Social Security and Housing Benefits Act 1982 (statutory sick pay liability) and fell within a period of entitlement under section 3 of that Act”;

(1) section 13(4) was amended by the schedule to the Social Security (No. 2) Act 1980 (c.39).

(2) See sections 9 and 10 of the Social Security Act 1980 (c. 30)

(3) relevant amending instruments are S.I. 1976/1736, 1977/788, 1978/409, 1981/1501, 1982/96.

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

(d) in paragraph (9) there shall be inserted after sub-paragraph (e) the following sub-paragraph

—
“(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”.

21st February 1983

Norman Fowler
Secretary of State for Social Services

EXPLANATORY NOTE

These Regulations amend the Social Security (Credits) Regulations 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 sections 1 and 3 of the Social Security and Housing Benefits Act 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 namely 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 Act 1975 as days of incapacity for work.