
STATUTORY INSTRUMENTS

1988 No. 1545

SOCIAL SECURITY

**The Social Security (Credits)
Amendment (No. 4) Regulations 1988**

Made - - - - *7th September 1988*
9th September
Laid before Parliament *1988T*
Coming into force - - *2nd October 1988*

The Secretary of State for Social Security, in exercise of powers conferred by sections 13(4) and 166(2) and (3) of, and Schedule 20 to, the Social Security Act 1975⁽¹⁾ and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Credits) Amendment (No.4) Regulations 1988 and shall come into force on 2nd October 1988.

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

Amendment to the principal Regulations

2.—(1) The principal Regulations shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation), for the definition of “relevant past year” there shall be substituted the following definition —

““relevant past year” means the last complete year before the beginning of the relevant benefit year.”

(3) In regulation 9 (credits for unemployment or incapacity for work) —

(1) 1975 c. 14; section 13(4) was amended by the Social Security (No.2) Act 1980 (c. 39), section 7(6) and Schedule and the Social Security Act 1986 (c. 50), section 75 and Schedule 8, paragraph 2(3); Schedule 20 is cited because of the meaning ascribed to the word “Regulations”.

(2) See Social Security Act 1980 (c. 30), section 10(2)(b).

(3) S.I.1975/556; relevant amending instruments are S.I. 1976/409, 1977/788, 1983/463, 1610, 1987/414, 1988/516, 1230, 1439.

- (a) after paragraph (8) the following paragraph shall be inserted —
- “(8A) For the purposes of this regulation, where a period of employment commencing on any day extends over midnight into the following day, the person employed shall, in respect of such period, be treated —
- (a) as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and in that case the first day shall not be treated as a day of interruption of employment;
- (b) as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight, or if the employment before and after midnight is of equal duration, and in either of these cases the second day shall not be treated as a day of interruption of employment.”;
- (b) in paragraph (9) —
- (i) for the words “unemployment benefit, sickness benefit or maternity allowance” there shall be substituted the words “unemployment benefit or sickness benefit”;
- (ii) for sub-paragraph (a), there shall be substituted the following sub-paragraph —
- “(a) in respect of one of the last two complete years before the beginning of the relevant benefit year, that person has an earnings factor of not less than twenty five times the lower earnings limit for that year which —
- (i) for the purposes of entitlement to unemployment benefit, is derived from earnings upon which primary Class 1 contributions have been paid or treated as paid;
- (ii) for the purposes of entitlement to sickness benefit, is derived from such earnings or from Class 2 contributions; or”;
- (iii) in sub-paragraph (c), for the words from “or regulations made under section 33(2)” to the end there shall be substituted the words “or regulation 2(1) of the Maternity Pay and Maternity Allowance (Transitional) Regulations 1987(4);”.
- (4) In regulation 9C (credits for maternity pay period) for the words “by virtue of a woman’s contributions” there shall be substituted the words “by virtue of a woman’s earnings or contributions”.
- (5) In the following regulations —
- (a) regulation 4 (starting credits for the purposes of a retirement pension, a widowed mother’s allowance and a widow’s pension),
- (b) regulation 7 (credits for approved training),
- (c) regulation 7A (credits for invalid care allowance),
- (d) regulation 9 (credits for unemployment or incapacity for work),
- (e) regulation 9A (credits for persons approaching pensionable age),
- (f) regulation 9B (credits for jury service),

for the words “by virtue of a person’s contributions”, wherever they appear, there shall be substituted the words “by virtue of a person’s earnings or contributions”.

Transitional

3. Where, by virtue of regulation 2 (transitional provisions) of the Social Security (Contribution Conditions for Unemployment and Sickness Benefit) Transitional Regulations 1988(5), Schedule 3

(4) S.I. 1987/406.

(5) S.I. 1988/1363.

to the Social Security Act 1975(6) continues to apply to a person as though the amendments made to it by section 6 of the Social Security Act 1988(7) (contributions conditions for short-term benefits) had not been enacted, then for the period for which that Schedule continues so to apply, the provisions of the principal Regulations shall apply in respect of that person as if regulation 2(3)(b)(ii) of these Regulations had not come into force.

Signed by authority of the Secretary of State for Social Security.

7th September 1988

P.R.C. Lloyd
Parliamentary Under-Secretary of State,
Department of Social Security

(6) 1975 c. 14; of the provisions of Schedule 3 amended by section 6 of the Social Security Act 1988, paragraph 1(3)(a) was amended, and paragraph 1(3)(b) was substituted, by the Social Security Act 1986 (c. 50), Schedule 8, paragraph 3(2) and (3); paragraph 8(3) was amended by the Social Security Act 1979 (c. 18), Schedule 3, paragraph 10, the Social Security Act 1980 (c. 30), section 5 and the Social Security Act 1986, Schedule 8, paragraph 3(7), Schedule 10, paragraph 66(b) and Schedule 11; paragraph 9 was amended by the Social Security Act 1986, Schedule 11.

(7) 1988 c. 7.

Status: This is the original version (as it was originally made).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Credits) Regulations 1975 (“the principal Regulations”).

Regulation 2 inserts, in regulation 9 of the principal Regulations (credits for unemployment or incapacity for work), paragraph (8A) which provides for periods spanning midnight.

Regulation 2 contains amendments to regulation 9(9) of the principal Regulations consequent upon section 6 of the Social Security Act 1988 (c. 7) (contribution conditions for short-term benefits), amendments consequent upon Schedule 8 of the Social Security Act 1986 (c. 50) (earnings factors) and minor amendments.

Regulation 3 contains transitional provision.