
STATUTORY INSTRUMENTS

1991 No. 2772

SOCIAL SECURITY

The Social Security (Credits) Amendment Regulations 1991

Made - - - - *9th December 1991*

Laid before Parliament *17th December 1991*

Coming into force - - *6th April 1992*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 13(4), 166(1) to (3) and 168(1) 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 Regulations 1991 and shall come into force on 6th April 1992.

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

Amendment of regulation 2(1) of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) in the appropriate place in alphabetical order, there shall be inserted the following definition—

““disability working allowance” has the meaning assigned to it in section 20 of the Social Security Act 1986(4);”.

Insertion of regulation 7B in the principal Regulations

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

(1) 1975 c. 14; section 13(4) was amended by the Schedule to the Social Security (No.2) Act 1980 (c. 39) and by paragraph 2(3) of Schedule 8 to the Social Security Act 1986 (c. 50). See the definitions of “Prescribe” and “Regulations” in Schedule 20.
(2) See section 61(1)(b) and (10) of the Social Security Act 1986 (c. 50). The Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(4) added a definition of “regulations” to section 61(10) of the Social Security Act 1986.
(3) S.I.1975/556.
(4) 1986 c. 50; subsections (1)(bb) and (6A) of section 20 were inserted by section 6 of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

“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.

(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 less than or being treated by regulations as less than the amount specified in section 7(5) of the Act (exception from liability for Class 2 contributions on account of small earnings)⁽⁵⁾.

(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 section 3(2) of the Social Security Pensions Act 1975⁽⁶⁾ had effect.”

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

9th December 1991

Nicholas Scott
Minister of State,
Department of Social Security

⁽⁵⁾ 1975 c. 14; section 7 was amended by SI 1991/505.

⁽⁶⁾ 1975 c. 60.

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 2(1) of the principal Regulations (interpretation) a definition of “disability working allowance”.

Regulation 3 inserts a new regulation 7B into the principal Regulations which provides for the crediting of contributions under the Social Security Act 1975 to certain persons to whom a disability working allowance is payable.