

1987 No. 153

SOCIAL SECURITY

**The Social Security (Credits) (Amendment)
Regulations (Northern Ireland) 1987**

Made 30th March 1987

Coming into operation 6th April 1987

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 Article 84(1) of the Social Security (Northern Ireland) Order 1986(b) 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) 1987 and shall come into operation on 6th April 1987.

(2) In these regulations “the principal regulations” means the Social Security (Credits) Regulations (Northern Ireland) 1975(c).

(3) The Interpretation Act 1978(d) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Amendment of regulation 2(1) of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) for the definition of “relevant earnings factor” there shall be substituted—

“ “relevant earnings factor”, in relation to any benefit, means—

- (a) if the contributions relevant to that benefit under section 13 are Class 1 contributions, the earnings factor derived from earnings upon which primary Class 1 contributions have been paid or treated as paid, or credited earnings;
- (b) if the contributions relevant to that benefit under section 13 are Class 1 and Class 2 contributions, the earnings factor or the aggregate of the earnings factors derived from—
 - (i) earnings upon which primary Class 1 contributions have been paid or treated as paid, or credited earnings, and
 - (ii) Class 2 contributions;

(a) 1975 c. 15: section 13(4) was amended by paragraph 1(3) of Schedule 8 to the Social Security (Northern Ireland) Order 1986

(b) S.I. 1986/1888 (N.I. 18)

(c) S.R. 1975 No. 113; relevant amending regulations are S.R. 1976 No. 99, S.R. 1977 No. 132, and S.R. 1983 Nos. 31, 76 and 348

(d) 1978 c. 30

- (c) if the contributions relevant to that benefit under section 13 are Class 1, Class 2 and Class 3 contributions, the earnings factor or the aggregate of the earnings factors derived from—
 - (i) earnings upon which primary Class 1 contributions have been paid or treated as paid, or credited earnings,
 - (ii) Class 2 contributions, and
 - (iii) Class 3 contributions paid or credited;”.

Amendment of regulation 3 of the principal regulations

3. In regulation 3 of the principal regulations (general provisions relating to the crediting of contributions)—

- (a) at the end of the shoulder note there shall be added “*and earnings*”;
- (b) in paragraph (1) after “contributions” wherever it occurs there shall be inserted “or earnings”;
- (c) in paragraph (2)(a)—
 - (i) for “Class 1 credits” there shall be substituted “be credited with earnings”, and
 - (ii) for “Class 1 contributions” there shall be substituted “earnings”;
- (d) paragraph (2)(b) shall be omitted;
- (e) in paragraph (3)—
 - (i) for “a credit” there shall be substituted “be credited with earnings or a contribution”, and
 - (ii) for “that credit” there shall be substituted “be credited with those earnings or that contribution”.

Amendment of regulation 5 of the principal regulations

4. In regulation 5(1) of the principal regulations (starting credits for the purposes of unemployment benefit, sickness benefit and maternity allowance) for “Class 1 credits for the relevant past year if it” there shall be substituted “be credited for any week in the relevant past year with earnings equal to the lower earnings limit then in force, if the relevant past year”.

Amendment of regulation 7 of the principal regulations

5. In regulation 7 of the principal regulations (credits for approved training)—

- (a) in paragraph (1) for “a Class 1 credit” there shall be substituted “be credited with earnings equal to the lower earnings limit then in force,”;
- (b) in paragraph (2)(a) for the words from “derived from” to “in the aggregate” there shall be substituted “derived from Class 2 contributions paid or credited, and either—
 - (i) Class 1 contributions paid or credited, if that year was before 6th April 1987, or

- (ii) earnings upon which primary Class 1 contributions have been paid or treated as paid, or earnings which have been credited under these regulations, if that year was after 5th April 1987, amounted in the aggregate”.

Amendment of regulation 7A of the principal regulations

6. In regulation 7A of the principal regulations (credits for invalid care allowance)—

- (a) in paragraph (1) for “a Class 1 credit” there shall be substituted “be credited with earnings equal to the lower earnings limit then in force,”;
- (b) in paragraph (2)(a) for “a Class 1 credit” there shall be substituted “be credited with earnings”.

Amendment of regulation 8 of the principal regulations

7. In regulation 8(1) of the principal regulations (credits on termination of full-time education, training or apprenticeship) for “Class 1 credits” there shall be substituted “be credited with earnings equal to the lower earnings limit then in force,”.

Amendment of regulation 9 of the principal regulations

8. In regulation 9 of the principal regulations (credits for unemployment or incapacity for work)—

- (a) in paragraph (1) for “a Class 1 credit” there shall be substituted “be credited with earnings equal to the lower earnings limit then in force,”;
- (b) in paragraph (8) for “a credit” there shall be substituted “be credited with earnings”;
- (c) in paragraph (9) for the words from “A Class 1 credit to which” to “shall be a credit” there shall be substituted “Earnings which a person is entitled to be credited with in respect of any week by virtue of the provisions of this regulation shall be credited”;
- (d) in paragraph (9)(a) for the words from “for that year which” to “Class 2 contributions actually paid” there shall be substituted “for that year which—
- (i) if that year is before 6th April 1987, 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
- (ii) if that year is after 5th April 1987, for the purposes of entitlement to unemployment benefit, is derived from earnings upon which primary Class 1 contributions have actually been paid or, for any other purpose, is derived from such earnings or Class 2 contributions actually paid”;
- (e) in paragraph (9)(d)—
- (i) for “a credit” where it first appears there shall be substituted “be credited with earnings”, and

- (ii) the words “or to a credit by virtue of the provisions of regulation 10(8)” shall be omitted;
- (f) in paragraph (9)(e) for “a Class 1 credit” there shall be substituted “be credited with earnings”;
- (g) in paragraph (9)(f) for “a credit” there shall be substituted “be credited with earnings”.

Amendment of regulation 9A of the principal regulations

9. In regulation 9A of the principal regulations (credits for persons approaching pensionable age)—

- (a) in paragraph (2)—
 - (i) for “number of Class 1 contributions” there shall be substituted “earnings”, and
 - (ii) the words “; so however that no such contribution shall be credited under this regulation in respect of a tax year commencing before 6th April 1983” shall be omitted;
- (b) in paragraph (3)—
 - (i) for “a Class 1 contribution” there shall be substituted “earnings equal to the lower earnings limit then in force,”,
 - (ii) for “no such contribution” there shall be substituted “no such earnings”, and
 - (iii) after “regulations to have” there shall be inserted “earnings or”;
- (c) in paragraph (4) after “credited with any” there shall be inserted “earnings or”.

Revocation of regulation 10 of the principal regulations

10. Regulation 10 of the principal regulations is hereby revoked.

Transitional provision

11. In respect of any period before 6th April 1987 the provisions of the principal regulations shall apply as if these regulations had not come into operation notwithstanding that entitlement to be credited with contributions for that period falls to be determined after 5th April 1987.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th March 1987.

(L.S.)

A. N. Burns

Assistant Secretary

(This note is not part of the Regulations.)

These regulations make minor amendments to the Social Security (Credits) Regulations (Northern Ireland) 1975, and a transitional provision, in consequence of the amendment of section 13 of the Social Security (Northern Ireland) Act 1975 (contribution conditions and the earnings factor) by paragraph 1 of Schedule 8 to the Social Security (Northern Ireland) Order 1986, which is brought into operation on 6th April 1987 by Schedule 2 to the Social Security (1986 Order) (Commencement No. 3) Order (Northern Ireland) 1987 (S.R. 1987 No. 21 (C. 3)).

The regulations provide that earnings, Class 2 or Class 3 contributions may be credited, in certain circumstances, to enable a person to satisfy contribution conditions of entitlement.

They correspond to provision contained in regulations made by the Secretary of State for Social Services 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.