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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 430**

**The Social Security (Credits and Contributions)  
(Jobseeker's Allowance Consequential and Miscellaneous  
Amendments) Regulations (Northern Ireland) 1996**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Credits and Contributions) (Jobseeker's Allowance Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) In these Regulations “the Credits Regulations” means the Social Security (Credits) Regulations (Northern Ireland) 1975(1).

(3) The Interpretation Act 1978(2) shall apply to these Regulations as it applies to an Act of the United Kingdom Parliament.

**Amendment of the Credits Regulations**

2.—(1) The Credits Regulations shall be amended in accordance with paragraphs (2) to (8) of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) the definitions of “charity”, “city, borough or district council”, “councillor”, “Education and Library Board”, “Health and Social Services Board” and “HSS trust”(3) shall be omitted;

(b) after the definition of “the Contributions and Benefits Act”(4) there shall be inserted the following definitions—

““the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995;

“benefit” includes a contribution-based jobseeker's allowance but not an income-based jobseeker's allowance;

“contribution-based jobseeker's allowance” has the same meaning as in Article 3(4) of the Jobseekers Order (the jobseeker's allowance);”;

(c) after the definition of “disability working allowance”(5) there shall be inserted the following definitions—

““income-based jobseeker's allowance” has the same meaning as in Article 3(4) of the Jobseekers Order;

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(1) S.R. 1975 No. 113; relevant amending regulations are S.R. 1976 Nos. 99 and 321, S.R. 1977 No. 132, S.R. 1978 No. 77, S.R. 1982 No. 42, S.R. 1983 Nos. 31 and 76, S.R. 1987 Nos. 153 and 220, S.R. 1988 Nos. 105, 276 and 326, S.R. 1989 No. 368, S.R. 1991 No. 528, S.R. 1992 No. 135, S.R. 1994 Nos. 65 and 265 and S.R. 1995 Nos. 150 and 479

(2) 1978 c. 30

(3) Definitions of “charity”, “city, borough or district council” and “Health and Social Services Board” were inserted by S.R. 1982 No. 42; definitions of “councillor” and “Education and Library Board” were inserted by S.R. 1987 No. 220; definition of “HSS trust” was added by S.R. 1994 No. 65

(4) Definition of “the Contributions and Benefits Act” was inserted by S.R. 1995 No. 150

(5) Definition of “disability working allowance” was inserted by S.R. 1991 No. 528

“jobseeker’s allowance” means an allowance payable under Part II of the Jobseekers Order (the jobseeker’s allowance);”;

- (d) for the definition of “reckonable year”(6) there shall be substituted the following definition—

““reckonable year” means a year for which the relevant earnings factor of the contributor concerned was sufficient to satisfy—

- (a) in relation to short-term incapacity benefit, widowed mother’s allowance, widow’s pension or Category A or Category B retirement pension, paragraph (b) of the second contribution condition specified in relation to that benefit, allowance or pension in Schedule 3 to the Contributions and Benefits Act (contribution conditions for entitlement to benefit); or
- (b) in relation to contribution-based jobseeker’s allowance, the additional condition specified in Article 4(3) of the Jobseekers Order (the contribution-based conditions);”;

- (e) for the definition of “relevant benefit year”(7) there shall be substituted the following definition—

““relevant benefit year” has the same meaning as—

- (a) in relation to short-term incapacity benefit, in paragraph 2(6)(b) of Schedule 3 to the Contributions and Benefits Act; or
- (b) in relation to contribution-based jobseeker’s allowance, in Article 4(4)(b) of the Jobseekers Order;”;

- (f) in the definition of “relevant earnings factor”(8)—

(i) in paragraph (a) for the words from the beginning to “section 13” there shall be substituted “if the benefit is a contribution-based jobseeker’s allowance or if the contributions relevant to the benefit under section 21 of the Contributions and Benefits Act (contribution conditions)”;

(ii) in paragraphs (b) and (c) for “that benefit under section 13” there shall be substituted “the benefit under the said section 21”.

- (3) For paragraph (1) of regulation 3(9) (general provisions relating to the crediting of contributions and earnings) there shall be substituted the following paragraph—

“(1) Any contributions or earnings credited in accordance with these Regulations shall be only for the purpose of enabling the person concerned to satisfy—

- (a) in relation to short-term incapacity benefit, widowed mother’s allowance, widow’s pension or Category A or Category B retirement pension, the second contribution condition specified in relation to that benefit, allowance or pension in Schedule 3 to the Contributions and Benefits Act (contribution conditions for entitlement to benefit); or
- (b) in relation to contribution-based jobseeker’s allowance, the condition specified in Article 4(1)(b) of the Jobseekers Order (the contribution-based conditions),

and accordingly, where under any of the provisions of these Regulations a person would, but for this paragraph, be entitled to be credited with any contributions or earnings for a year, or in respect of any week in a year, he shall be so entitled for the purposes of any

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(6) Definition of “reckonable year” was amended by [S.R. 1978 No. 77](#)

(7) Definition of “relevant benefit year” was inserted by [S.R. 1988 No. 276](#)

(8) Definition of “relevant earnings factor” was substituted by [S.R. 1987 No. 153](#)

(9) Paragraph (1) was amended by [S.R. 1987 No. 153](#)

benefit only if and to no greater extent than that by which his relevant earnings factor for that year falls short of the level required to make that year a reckonable year.”

(4) In regulations 7A(2)(a)(10) (credits for invalid care allowance), 7B(3)(a)(11) (credits for disability working allowance) and 7C(4)(a)(12) (credits for family credit) for “regulation 9” there shall be substituted “regulation 8A or 8B”.

(5) In regulation 8(1)(13) (credits on termination of full-time education, training or apprenticeship) for “unemployment benefit” there shall be substituted “a contribution-based jobseeker’s allowance”.

(6) After regulation 8 there shall be inserted the following regulations—

#### **“Credits for unemployment**

**8A.—**(1) Subject to regulation 9, for the purposes of entitlement to any benefit by virtue of a person’s earnings or contributions, he shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week to which this regulation applies.

(2) Subject to paragraph (5), this regulation applies to a week which, in relation to the person concerned, is—

- (a) a week for the whole of which he was paid a jobseeker’s allowance; or
- (b) a week for the whole of which he satisfied or was treated as having satisfied the conditions set out in sub-paragraphs (a), (c) and (e) to (h) of Article 3(2) of the Jobseekers Order (conditions for entitlement to a jobseeker’s allowance) and in respect of which he has satisfied the further condition specified in paragraph (3); or
- (c) a week which would have been a week described in sub-paragraph (b) of this paragraph but for the fact that he was incapable of work for part of it.

(3) The further condition referred to in paragraph (2)(b) is that the person concerned—

- (a) furnished to the Department notice in writing of the grounds on which he claims to be entitled to be credited with earnings—
  - (i) on the first day of the period for which he claims to be so entitled in which the week in question fell, or
  - (ii) within such further time as may be reasonable in the circumstances of the case; and
- (b) has provided any evidence required by the Department that the conditions referred to in paragraph (2)(b) are satisfied.

(4) This regulation also applies to a week for the whole of which the conditions set out in sub-paragraphs (a), (c) and (e) to (h) of Article 3(2) of the Jobseekers Order would have been satisfied but for it being a week in respect of which, in accordance with regulation 52(3) (persons treated as engaged in remunerative work) and Part VIII (income and capital) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(14), there is taken into account any compensation payment referred to in regulation 98(1)(b) of those Regulations (earnings of employed earners).

(5) This regulation shall not apply to—

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(10) Regulation 7A was inserted by [S.R. 1976 No. 99](#) and paragraph (2)(a) was amended by [S.R. 1987 No. 153](#)

(11) Regulation 7B was inserted by [S.R. 1991 No. 528](#)

(12) Regulation 7C was inserted by [S.R. 1995 No. 479](#)

(13) Paragraph (1) was substituted by [S.R. 1989 No. 368](#) and amended by [S.R. 1995 No. 150](#)

(14) [S.R. 1996 No. 198](#); relevant amending regulations are [S.R. 1996 No. 358](#)

- (a) a week in respect of which the person concerned was not entitled to a jobseeker's allowance (or would not have been if he had claimed it) because of Article 16 of the Jobseekers Order (trade disputes); or
- (b) a week in respect of which, in relation to the person concerned, there was in force a direction under Article 18 of the Jobseekers Order (which relates to persons who have reached the age of 16 but not the age of 18 and who are in severe hardship); or
- (c) a week in respect of which, because of Article 21 of the Jobseekers Order (circumstances in which a jobseeker's allowance is not payable), a jobseeker's allowance was not payable to the person concerned even though he satisfied the conditions for entitlement to that allowance; or
- (d) a week in respect of which a jobseeker's allowance was payable to the person concerned only by virtue of regulation 141(15) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (circumstances in which an income-based jobseeker's allowance is payable to a person in hardship); or
- (e) where the person concerned is a married woman, a week in respect of any part of which an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act (reduced rate liability) had effect.

### Credits for incapacity for work

**8B.**—(1) Subject to regulation 9, for the purposes of entitlement to any benefit by virtue of a person's earnings or contributions, he shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week to which this regulation applies.

(2) Subject to paragraphs (3) and (4), this regulation applies to—

- (a) a week in which, in relation to the person concerned, each of the days—
  - (i) was a day of incapacity for work under section 30C of the Contributions and Benefits Act(16) (incapacity benefit: days and periods of incapacity for work), or
  - (ii) would have been such a day had the person concerned claimed short-term incapacity benefit or maternity allowance within the prescribed time, or
  - (iii) was a day of incapacity for work for the purposes of statutory sick pay under section 147 of the Contributions and Benefits Act (statutory sick pay: employer's liability) and fell within a period of entitlement under section 149 (period of incapacity for work: period of entitlement) of that Act; or
- (b) a week for any part of which an unemployability supplement was payable by virtue of Schedule 7 to the Contributions and Benefits Act (industrial injuries benefits).

(3) Where the person concerned is a married woman, this regulation shall not apply to a week in respect of any part of which an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act (reduced rate liability) had effect.

(4) A day shall not be a day to which paragraph (2)(a) applies unless the person concerned has—

- (a) before the end of the benefit year immediately following the year in which that day fell; or
- (b) within such further time as may be reasonable in the circumstances of the case,

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(15) Regulation 141 is amended by [S.R. 1996 No. 358](#)

(16) Section 30C was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12))

furnished to the Department notice in writing of the grounds on which he claims to be entitled to be credited with earnings.”.

(7) For regulation 9(17) (credits for unemployment or incapacity for work) there shall be substituted the following regulation—

**“Crediting of earnings for the purposes of entitlement to short-term incapacity benefit — further conditions**

9. Earnings which a person is entitled to be credited with in respect of any week by virtue of regulation 8A or 8B shall be credited for the purpose of enabling him to satisfy the second contribution condition for entitlement to short-term incapacity benefit only if—

- (a) in respect of one of the last 2 complete years before the beginning of the relevant benefit year, that person has an earnings factor of not less than 25 times the lower earnings limit for that year which is derived from earnings upon which primary Class 1 contributions have been paid or treated as paid or from Class 2 contributions; 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 (Northern Ireland) 1979(18), there would have been payable to him any one of the following benefits—
  - (i) short-term incapacity benefit at the higher rate or long-term incapacity benefit(19),
  - (ii) invalid care allowance,
  - (iii) unemployability supplement by virtue of Schedule 7 to the Contributions and Benefits Act (industrial injuries benefits) or as defined in regulation 2(1)(20) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 (interpretation); or
- (c) that person has made a claim (“the earlier claim”) for—
  - (i) short-term incapacity benefit or disability working allowance in respect of a day, or jobseeker’s allowance in respect of a week, in the relevant past year, or
  - (ii) maternity allowance in respect of a maternity allowance period which includes a day in that year,and in relation to the earlier claim he has satisfied the contribution conditions for short-term incapacity benefit, or would have satisfied those conditions if the earlier claim had been a claim for that benefit; or
- (d) for the relevant past year that person is entitled to be credited with earnings in respect of any week by virtue of regulation 7; or
- (e) for the relevant past year that person is entitled to be credited with earnings in respect of any one week which included one or more days specified in regulation 8B(2)(a)(iii) being a day or days for which that person would have been entitled to short-term incapacity benefit had he claimed it and had all such days specified in regulation 8B(2)(a)(iii) in the relevant past year been treated for the purposes of that benefit as days of incapacity for work.”.

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(17) Regulation 9 was amended by S.R. 1976 No. 321, S.R. 1977 No. 132, S.R. 1978 No. 77, S.R. 1982 No. 42, S.R. 1983 Nos. 31 and 76, S.R. 1987 Nos. 153 and 220, S.R. 1988 Nos. 105 and 326, S.R. 1989 No. 368, S.R. 1992 No. 135, S.R. 1994 Nos. 65 and 265 and S.R. 1995 No. 150

(18) S.R. 1979 No. 242; relevant amending regulations are S.R. 1980 No. 451

(19) See section 30A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(20) Definition of “Service Pensions Instrument” was substituted by S.R. 1980 No. 451

(8) In regulation 9A(21) (credits for persons approaching pensionable age) paragraph (4) shall be omitted.

### **Amendment of the Social Security (Contributions) Regulations**

**3.—**(1) The Social Security (Contributions) Regulations (Northern Ireland) 1979(22) shall be amended in accordance with paragraphs (2) to (6) of this regulation.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the 1986 Order”(23) there shall be inserted the following definition—

““the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995;”;

(b) after the definition of “contracted-out rate” there shall be inserted the following definition—

““contribution-based jobseeker’s allowance” has the meaning assigned to it in Article 3(4) of the Jobseekers Order (the jobseeker’s allowance);”;

(c) after the definition of “contribution year”(24) there shall be inserted the following definition—

““contributory benefit” includes a contribution-based jobseeker’s allowance but not an income-based jobseeker’s allowance;”;

(d) after the definition of “home-trade ship” there shall be inserted the following definition—

““income-based jobseeker’s allowance” has the meaning assigned to it in Article 3(4) of the Jobseekers Order;”;

(e) after the definition of “inspector” there shall be inserted the following definition—

““jobseeker’s allowance” means an allowance payable under Part II of the Jobseekers Order (the jobseeker’s allowance);”.

(3) In regulation 26A(6)(25) (return of Class 2 contributions paid by low earners)—

(a) for “any of the contributory benefits specified in section 12(1) of the Act” there shall be substituted “a contribution-based jobseeker’s allowance or any of the contributory benefits specified in section 20(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(26) (descriptions of contributory benefits)”;

(b) after “paid by way of such” there shall be inserted “allowance or”.

(4) In regulation 38 (treatment for purpose of contributory benefit of late paid contributions under the Act)—

(a) in paragraph (6)(27) for “unemployment benefit” there shall be substituted “a contribution-based jobseeker’s allowance”;

(b) after paragraph (6) there shall be inserted the following paragraph—

“(6A) In paragraph (6) of this regulation the reference to the second contribution condition in relation to a contribution-based jobseeker’s allowance is a reference to the

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(21) Regulation 9A was substituted by S.R. 1994 No. 265

(22) S.R. 1979 No. 186; relevant amending regulations are S.R. 1985 No. 61, S.R. 1987 Nos. 143 and 468, S.R. 1990 No. 320, S.R. 1995 No. 150 and S.R. 1996 No. 58

(23) Definition of “the 1986 Order” was inserted by S.R. 1987 No. 143

(24) Definition of “contribution year” was inserted by S.R. 1985 No. 61

(25) Regulation 26A was inserted by S.R. 1990 No. 320

(26) Section 20(1) was amended by paragraph 2(2) of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and paragraph 18(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and is amended by Schedule 3 to the Jobseekers (Northern Ireland) Order 1995

(27) Paragraph (6) was amended by S.R. 1987 No. 143 and S.R. 1995 No. 150

condition specified in Article 4(1)(b) of the Jobseekers Order (the contribution-based conditions).”.

(5) In regulation 39(28) (treatment for the purpose of any contributory benefit of late paid or unpaid primary Class 1 contributions where there was no consent, connivance or negligence by the primary contributor)—

- (a) immediately before “Where” there shall be inserted “—(1)”;
- (b) for “unemployment benefit” in both places where it occurs there shall be substituted “contribution-based jobseeker’s allowance”;
- (c) after paragraph (1) there shall be added the following paragraph—

“(2) In paragraph (1)(a) of this regulation the reference to the first contribution condition in relation to contribution-based jobseeker’s allowance is a reference to the condition specified in Article 4(1)(a) of the Jobseekers Order (the contribution-based conditions).”.

(6) In regulation 96(c)(29) and (e) (modification in relation to share fishermen) for “unemployment benefit” there shall be substituted “a contribution-based jobseeker’s allowance”.

### **Savings and transitional provisions**

4.—(1) For the purposes of determining whether a person is entitled to be credited with earnings in respect of any period before the coming into operation of these Regulations, regulation 9(1) to (8) of the Credits Regulations (credits for unemployment or incapacity for work) shall continue to have effect as if the amendments made by these Regulations had not come into operation.

(2) In regulation 9 of the Credits Regulations (crediting of earnings for the purposes of entitlement to short-term incapacity benefit — further conditions), as substituted by regulation 2(7) of these Regulations, in paragraph (c)(i)—

- (a) the reference to a claim for jobseeker’s allowance shall, where the claim relates to a day before the coming into operation of these Regulations, be read as a reference to a claim for unemployment benefit, and
- (b) the reference to a claim for short-term incapacity benefit shall, where the claim relates to a day before 13th April 1995 (which is the date from which sickness benefit was replaced by short-term incapacity benefit), be read as a reference to a claim for sickness benefit.

(3) In spite of regulation 8A of the Credits Regulations (credits for unemployment), as inserted by regulation 2(6) of these Regulations, a person to whom the transitionally protected period defined in regulation 9 of the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(30) (transitionally protected period) applies shall not be entitled to be credited with earnings in respect of a week falling within that period during which he is engaged in employment for 16 hours or more.

### **Revocations**

5. The Regulations specified in column (1) of the Schedule to these Regulations are hereby revoked to the extent mentioned in column (3) of that Schedule.

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(28) Regulation 39 was amended by S.R. 1987 Nos. 143 and 468 and S.R. 1995 No. 150

(29) Paragraph (c) was amended by S.R. 1996 No. 58

(30) S.R. 1996 No. 200; relevant amending regulations are S.R. 1996 No. 357

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th September 1996.

L.S.

*John O'Neill*  
Assistant Secretary