

1978 No. 409

SOCIAL SECURITY

The Social Security (Credits) Amendment and (Earnings Factor) Transitional Regulations 1978

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| <i>Made - - - -</i> | <i>14th March 1978</i> |
| <i>Laid before Parliament</i> | <i>16th March 1978</i> |
| <i>Coming into Operation</i> | <i>6th April 1978</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(a), section 63(1) of the Social Security Pensions Act 1975(b) and of all other powers enabling him in that behalf, hereby makes the following regulations which only make provision consequential on the passing of the Social Security Pensions Act 1975 and which accordingly, by virtue of section 61(1)(e) of the latter Act, are not subject to the requirements of section 139(1) of the Social Security Act 1975 for prior reference to the National Insurance Advisory Committee:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Credits) Amendment and (Earnings Factor) Transitional Regulations 1978 and shall come into operation on 6th April 1978.

(2) In these regulations—

“the credits regulations” means the Social Security (Credits) Regulations 1975(c) as amended(d);

“the normal percentage” and “the contracted-out percentage” have the meaning assigned to them in section 27(2) of the Social Security Pensions Act 1975;

and other expressions have the same meaning as in the Social Security Act 1975.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Amendments to the credits regulations

2.—(1) In regulation 2(1) of the credits regulations in the definition of “reckonable year” for the words after “contributor concerned” there shall be substituted the words “was sufficient to satisfy paragraph (b) of the second contribution condition specified in relation to that benefit in Schedule 3 to the Act;”.

(a) 1975 c. 14.

(b) 1975 c. 60.

(c) S.I. 1975/556.

(d) The relevant amending instrument is S.I. 1976/409.

(e) 1889 c. 63.

(2) In regulation 3(2)(b) of the credits regulations the word "standard" shall be omitted and in regulations 5(2), 7(3), 7A(2)(b), 8(2)(b) and 9(6) of those regulations for the words "under section 130(2)" there shall be substituted the words "under section 3(2) of the Social Security Pensions Act 1975".

Transitional provision relating to earnings factors

3.—(1) This regulation applies where, under paragraph 8(3) of Part II of Schedule 3 to the Social Security Act 1975 (satisfaction of contribution conditions in early years of contribution), a person's contributions paid at the contracted-out percentage are treated as having been paid in respect of any tax year which is not later than that ending with 5th April 1978.

(2) For the purpose of deriving earnings factors for any such tax year the amount of those contributions shall be increased to what it would have been if they had been paid at the normal percentage.

David Ennals,

Secretary of State for Social Services.

14th March 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make minor amendments to the Social Security (Credits) Regulations 1975 resulting from amendments made to the Social Security Act 1975 by the Social Security Pensions Act 1975 relating to the satisfaction of contribution conditions and rates of contributions. They also make transitional provision in relation to the derivation of earnings factors from contracted-out contributions for the purposes of paragraph 8 of Part II of Schedule 3 to the Social Security Act 1975 (satisfaction of contribution conditions in early years of contribution).

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