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STATUTORY INSTRUMENTS

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**1995 No. 2559**

**SOCIAL SECURITY**

**The Social Security (Effect of Family Credit  
on Earnings Factors) Regulations 1995**

*Made* - - - - *2nd October 1995*  
*Laid before Parliament* *6th October 1995*  
*Coming into force* - - *1st November 1995*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 45A(2), 122(1) and 175(1) to (3) of the Social Security Contributions and Benefits Act 1992<sup>M1</sup> and of all other powers enabling him in that behalf, by this instrument, which contains only regulations made in consequence of section 127 of the Pensions Act 1995<sup>M2</sup>, hereby makes the following Regulations:

**Marginal Citations**

- M1** 1992 c.4. Section 45A was inserted by section 127 of the [Pensions Act 1995 \(c.26\)](#). Section 122(1) is cited for the meaning it gives to "prescribe".
- M2** 1995 c.26. Also, *see* section 173(5)(b) of the [Social Security Administration Act 1992 \(c.5\)](#), the effect of which is that regulations which state that they are made in consequence of a specified enactment and are made before the end of the period of 6 months beginning with the coming into force of that enactment are not required to be referred to the Social Security Advisory Committee.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Effect of Family Credit on Earnings Factors) Regulations 1995 and shall come into force on 1st November 1995.

**Prescribed member of a married or unmarried couple for the purposes of section 45A of the Social Security Contributions and Benefits Act 1992**

2. For the purposes of section 45A of the Social Security Contributions and Benefits Act 1992 (which provides for [<sup>F1</sup>disabled person's tax credit] and [<sup>F2</sup>working families' tax credit] to be taken into account in the calculation of the additional pension in a Category A retirement pension) where [<sup>F2</sup>working families' tax credit] is paid to one of a married or unmarried couple, the prescribed member of the couple referred to in subsection (2)(a) of that section is—

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**Changes to legislation:** There are currently no known outstanding effects for the *The Social Security (Effect of Family Credit on Earnings Factors) Regulations 1995*. (See end of Document for details)

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- (a) where only one member is assessed for the purposes of the award of [<sup>F2</sup>working families' tax credit] as having income consisting of earnings, that member;
- (b) where both members are so assessed, the member with the higher earnings; or
- (c) where the earnings of each member are assessed as equal, the member to whom [<sup>F2</sup>working families' tax credit] is paid.

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| <p><b>F1</b> Words in reg. 2 substituted (5.10.1999) by <a href="#">The Social Security and Child Support (Tax Credits) Consequential Amendments Regulations 1999</a> (S.I. 1999/2566), regs. 1(2), 2(2), <b>Sch. 2 Pt. II</b> (with reg. 2(2))</p> <p><b>F2</b> Words in reg. 2 substituted (5.10.1999) by <a href="#">The Social Security and Child Support (Tax Credits) Consequential Amendments Regulations 1999</a> (S.I. 1999/2566), regs. 1(2), 2(1), <b>Sch. 2 Pt. I</b> (with reg. 2(1))</p> |
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Signed by the authority of the Secretary of State for Social Security.

*Oliver Heald*  
Parliamentary Under-Secretary of State,  
Department of Social Security

## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made for the purposes of section 45A of the Social Security Contributions and Benefits Act 1992, which provides for family credit and disability working allowance to be taken into account when calculating the additional pension in a Category A retirement pension. They make provision, in a case where family credit is paid to one of a married or unmarried couple, as to which member of the couple the section applies to.

These Regulations are made in consequence of section 127 of the Pensions Act 1995 (which inserted section 45A) and before the expiry of 6 months from the coming into force of that provision. They are accordingly exempt by section 173(5)(b) of the Social Security Administration Act 1992 from reference to the Social Security Advisory Committee.

These Regulations do not impose any costs on business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Effect of Family Credit on Earnings Factors) Regulations 1995.