

**2003 No. 521**

**SOCIAL SECURITY**

**The Social Security (Credits) Amendment Regulations 2003**

<i>Made</i> - - - -	<i>5<sup>th</sup> March 2003</i>
<i>Laid before Parliament</i>	<i>12<sup>th</sup> March 2003</i>
<i>Coming into force</i> - -	<i>6<sup>th</sup> April 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 22(5), 122(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Credits) Amendment Regulations 2003 and shall come into force on 6<sup>th</sup> April 2003.

**Amendment of the Social Security (Credits) Regulations 1975**

2.—(1) The Social Security (Credits) Regulations 1975(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 8B(2)(d) (which specifies weeks in respect of which a person is entitled to be credited with earnings for incapacity for work) –

- (a) in sub-paragraph (a)(i) after “(incapacity benefit: days and periods of incapacity for work)”, insert “or would have been such a day had that person been entitled to incapacity benefit by virtue of section 30A of that Act”;
- (b) for sub-paragraph (b), substitute —
  - “(b) a week for any part of which an unemployment supplement or allowance was payable by virtue of —
  - (i) Schedule 7 to the Contributions and Benefits Act;
  - (ii) Article 18 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(e); or

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(a) 1992 c.4. Section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 (c.18). Section 122(1) is cited because of the meaning ascribed to the word “prescribe”. Section 175 was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).  
(b) See section 173(1)(b) of the Social Security Administration Act 1992 (c.5).  
(c) S.I.1975/556; the relevant amending instruments are S.I.1988/516 and 1545 and S.I.1996/2367.  
(d) Regulation 8B was inserted by regulation 2(6) of S.I.1996/2367.  
(e) S.I.1983/883 to which there are amendments not relevant to this instrument.

(iii) Article 18 of the Personal Injuries (Civilians) Scheme 1983(a).”.

(3) For regulation 9C(b) (credits for maternity pay period), substitute —

**“Credits for adoption pay period and maternity pay period**

**9C.**—(1) For the purposes of entitlement to any benefit by virtue of —

- (a) in the case of a person referred to in paragraph (2)(a), that person’s earnings or contributions;
- (b) in the case of a woman referred to in paragraph (2)(b), her earnings or contributions,

that person or that woman, as the case may be, 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 each week during —

- (a) the adoption pay period in respect of which statutory adoption pay was paid to a person; or
- (b) the maternity pay period in respect of which statutory maternity pay was paid to a woman.

(3) A person or woman referred to above shall be entitled to be credited with earnings in respect of a week by virtue of this regulation only if he or she —

- (a) furnished to the Secretary of State notice in writing of his or her claim to be entitled to be credited with earnings; and
- (b) did so —
  - (i) before the end of the benefit year immediately following the tax year in which that week began, or
  - (ii) within such further time as may be reasonable in the circumstances of his or her case.

(4) This regulation shall not apply 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 19(4) of the Contributions and Benefits Act had effect.

(5) In this regulation “adoption pay period”, “maternity pay period”, “statutory adoption pay” and “statutory maternity pay” have the same meaning as in the Contributions and Benefits Act(c).”.

Signed by authority of the Secretary of State for Work and Pensions.

5<sup>th</sup> March 2003

*Ian McCartney*  
Minister of State,  
Department for Work and Pensions

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(a) S.I.1983/686 to which there are amendments not relevant to this instrument.  
(b) Regulation 9C was inserted by regulation 2(3) of S.I.1988/516 and amended by regulation 2(4) of S.I.1988/1545.  
(c) See Part XII (Statutory Maternity Pay) and Part XIIIB (Statutory Adoption Pay) of the Social Security Contributions and Benefits Act 1992. Part XIIIB was inserted by section 4 of the Employment Act 2002 (c.22).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations further amend the Social Security (Credits) Regulations 1975 (“the 1975 Regulations”).

Regulation 2(2) amends regulation 8B of the 1975 Regulations to provide that days on which a person would have been disqualified for receiving incapacity benefit in accordance with regulations made under section 30C of the Social Security Contributions and Benefits Act 1992 (c.4), had there otherwise been an entitlement to that benefit by virtue of section 30A of that Act, do not count as days of incapacity for the award of credits. Regulation 8B is also amended to provide for the award of credits in respect of any part of a week during which an unemployability allowance was payable under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 (S.I.1983/883) or the Personal Injuries (Civilians) Scheme 1983 (S.I.1983/686).

Regulation 2(3) substitutes regulation 9C of the 1975 Regulations to provide for an award of credits in respect of any week during which a person was paid statutory adoption pay or statutory maternity pay.

These Regulations do not impose any costs on business.

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STATUTORY INSTRUMENTS

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