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SCHEDULES

SCHEDULE 3

CONTRIBUTION CONDITIONS FOR ENTITLEMENT TO BENEFIT

PART I

THE CONDITIONS

Unemployment benefit

^{F1}

Textual Amendments

F1 Sch. 3 para. 1 repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), Sch. 3; S.R. 1996/401, art. 2(b)

[^{F2}Short-term incapacity benefit]

Textual Amendments

F2 Cross-heading substituted (13.4.1995) by virtue of S.I. 1994/1898 (N.I. 12), art. 3(2) (with art. 15(1)); S.R. 1994/450, art. 2(d), Sch. Pt. IV

- 2 (1) The contribution conditions for [^{F3}short-term incapacity benefit] are the following.
- (2) The first condition is that—
- (a) the claimant must have actually paid contributions of a relevant class in respect of any one year, and those contributions must have been paid before the relevant time; and
 - (b) the earnings factor derived as mentioned in sub-paragraph (4) below must be not less than that year's lower earnings limit multiplied by 25.
- (3) The second condition is that—
- (a) the claimant must in respect of the last two complete years before the beginning of the relevant benefit year have either paid or been credited with contributions of a relevant class or been credited (in the case of 1987-88 or any subsequent year) with earnings; and
 - (b) the earnings factor derived as mentioned in sub-paragraph (5) below must be not less in each of those years than the year's lower earnings limit multiplied by 50.

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- (4) The earnings factor referred to in paragraph (b) of sub-paragraph (2) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year—
 - (i) from earnings upon which primary Class 1 contributions have been paid or treated as paid; or
 - (ii) from Class 2 contributions; or
 - (b) if the year in question is an earlier year, from the contributions paid as mentioned in paragraph (a) of that sub-paragraph.
- (5) The earnings factor referred to in paragraph (b) of sub-paragraph (3) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year—
 - (i) from earnings upon which primary Class 1 contributions have been paid or treated as paid or from earnings credited; or
 - (ii) from Class 2 contributions; or
 - (b) if the year in question is an earlier year, from the contributions referred to in paragraph (a) of that sub-paragraph.
- (6) For the purposes of these conditions—
- (a) “the relevant time” is the day in respect of which benefit is claimed;
 - (b) “the relevant benefit year” is the benefit year in which there falls the beginning of the [^{F4}period of incapacity for work] which includes the relevant time.
- [^{F5}(7) Where a person makes a claim for incapacity benefit and does not satisfy the second contribution condition (specified in sub-paragraph (3) above) and, in a later benefit year in which he would satisfy that condition had no such claim been made, he makes a further claim for incapacity benefit, the previous claim shall be disregarded.]

Textual Amendments

- F3** Words in Sch. 3 para. 2(1) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 3(2)** (with art. 15(1)); S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F4** Words in Sch. 3 para. 2(6)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. I para. 38(2)** (with art. 15(1)); S.R. 1994/450, art. 2(d), **Sch. Pt. IV**
- F5** Sch. 3 para. 2(7) added (13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 5(2)** (with art. 15(1)); S.R. 1994/450, art. 2(d), **Sch. Pt. IV**

Modifications etc. (not altering text)

- C1** Sch. 3 para. 2 modified (13.4.1995) by S.R. 1995/35, **reg. 14(1)**

Maternity allowance

- 3 (1) Subject to sub-paragraph (2) below, the contribution condition for a maternity allowance is—
- (a) that the claimant must, in respect of at least 26 weeks in the [^{F6}66 weeks immediately preceding] the expected week of confinement, have actually paid contributions of a relevant class; and

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- (b) in the case of Class 1 contributions, that they were not secondary contributions and were paid otherwise than at the reduced rate.
- (2) In the case of a claimant who is or has been paid otherwise than weekly, any week—
- (a) in respect of which she did not pay contributions of a relevant class; but
 - (b) for which her earnings were such that, had she been paid weekly, she would have been required to pay primary Class 1 contributions in respect of that week; and
 - (c) for which no such election as is mentioned in section 19(4)(a) above was in force in her case,
- shall be treated for the purposes of sub-paragraph (1) above as a week in respect of which she actually paid such contributions otherwise than at a reduced rate.
- (3) For the purposes of sub-paragraph (2) above, the amount of the claimant's earnings for any week shall be determined in accordance with regulations.

Textual Amendments

- F6** Words in [Sch. 3 para. 3\(1\)\(a\)](#) substituted (with effect in any case where the expected week of confinement begins on or after 16.10.1994) by [S.R. 1994/176, regs. 1\(2\), 2\(4\)](#)

Widow's payment

- 4 (1) The contribution condition for a widow's payment is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class; and
 - (b) the earnings factor derived as mentioned in sub-paragraph (2) below must be not less than that year's lower earnings limit multiplied by 25.
- (2) The earnings factor referred to in paragraph (b) of sub-paragraph (1) above is that which is derived—
- (a) if the year in question is 1987-88 or any subsequent year, from earnings upon which primary Class 1 contributions have been paid or treated as paid and from Class 2 and Class 3 contributions, or
 - (b) if the year in question is an earlier year, from the contributions referred to in paragraph (a) of that sub-paragraph.
- (3) For the purposes of this condition a relevant year is any year ending before the date on which the contributor concerned attained pensionable age or died under that age.

Widowed mother's allowance and widow's pension; retirement pensions (Categories A and B)

- 5 (1) The contribution conditions for a widowed mother's allowance, a widow's pension or a Category A or Category B retirement pension are the following.
- (2) The first condition is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class; and
 - (b) the earnings factor derived—

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- (i) if that year is 1987-88 or any subsequent year, from earnings upon which such of those contributions as are primary Class 1 contributions were paid or treated as paid and any Class 2 or Class 3 contributions, or
- (ii) if that year is an earlier year, from the contributions referred to in paragraph (a) above,
- must be not less than the qualifying earnings factor for that year.
- (3) The second condition is that—
- (a) the contributor concerned must, in respect of each of not less than the requisite number of years of his working life, have paid or been credited with contributions of a relevant class [^{F7}or been credited (in the case of 1987-88 or any subsequent year) with earnings]; and
- (b) in the case of each of those years, the earnings factor derived as mentioned in sub-paragraph (4) below must be not less than the qualifying earnings factor for that year.
- (4) For the purposes of paragraph (b) of sub-paragraph (3) above, the earnings factor—
- (a) in the case of 1987-88 or any subsequent year, is that which is derived from—
- (i) any earnings upon which such of the contributions mentioned in paragraph (a) of that sub-paragraph as are primary Class 1 contributions were paid or treated as paid or earnings credited; and
- (ii) any Class 2 or Class 3 contributions for the year; or
- (b) in the case of any earlier year, is that which is derived from the contributions mentioned in paragraph (a) of that sub-paragraph.
- (5) For the purposes of the first condition, a relevant year is any year ending before that in which the contributor concerned attained pensionable age or died under that age; and the following table shows the requisite number of years for the purpose of the second condition, by reference to a working life of a given duration—

| <i>Duration of working life</i> | <i>Requisite number of years</i> |
|-------------------------------------|---|
| 10 years or less | The number of years of the working life, minus 1. |
| 20 years or less (but more than 10) | The number of years of the working life, minus 2. |
| 30 years or less (but more than 20) | The number of years of the working life, minus 3. |
| 40 years or less (but more than 30) | The number of years of the working life, minus 4. |
| More than 40 years | The number of years of the working life, minus 5. |

- (6) The first condition shall be taken to be satisfied if the contributor concerned was entitled to [^{F8}long-term incapacity benefit] at any time during—
- (a) the year in which he attained pensionable age or died under that age, or
- (b) the year immediately preceding that year.

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- (7) The second condition shall be taken to be satisfied notwithstanding that paragraphs (a) and (b) of sub-paragraph (3) above are not complied with as respects each of the requisite number of years if—
- (a) those paragraphs are complied with as respects at least half that number of years^{F9}. . . ; and
 - (b) in each of the other years the contributor concerned was, within the meaning of regulations, precluded from regular employment by responsibilities at home.
- (8) For the purposes of [^{F10}Parts I to VI of this Act] a person's working life is the period between—
- (a) (inclusive) the tax year in which he attained the age of 16; and
 - (b) (exclusive) the tax year in which he attained pensionable age or died under that age.

Textual Amendments

- F7** Words in Sch. 3 para. 5(3)(a) inserted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 126
- F8** Words in Sch. 3 para. 5(6) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), Sch. 1 Pt. I para. 38(3) (with art. 15(1)); S.R. 1994/450, art. 2(d), Sch. Pt. IV
- F9** Words in Sch. 3 para. 5(7)(a) repealed (16.12.1995 with effect in relation to any person attaining pensionable age on or after 6.4.2010) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 123, 168, Sch. 2 Pt. II para. 4, Sch. 5 Pt. II
- F10** Words in Sch. 3 para. 5(8) substituted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), arts. 1(3), 131(5)

Child's special allowance

- 6 (1) The contribution condition for a child's special allowance is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 50.
- (2) For the purposes of this condition, a relevant year is any year ending before the date on which the contributor concerned attained pensionable age or died under that age.

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