

Status: Point in time view as at 28/06/2010.

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SCHEDULES

SCHEDULE 3

CONTRIBUTION CONDITIONS FOR ENTITLEMENT TO BENEFIT

PART I

THE CONDITIONS

Unemployment benefit

^{F1}1

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F1 Sch. 3 para. 1 repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), Sch. 3; S.R. 1996/401, art. 2(b)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—
- [^{F4}(a) the claimant must have actually paid contributions of a relevant class in respect of one of the last three complete years before the beginning of the relevant benefit 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 [^{F5}so much of the claimant’s earnings as did not exceed the upper earnings limit and 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 [^{F5}so much of the claimant’s earnings as did not exceed the upper earnings limit and 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 [^{F6}period of incapacity for work] which includes the relevant time.
- [^{F7}(7) Where a person makes a claim for incapacity benefit and does not satisfy [^{F8}the first contribution condition (specified in sub-paragraph (2) above) or, as the case may be,] 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.]
- [^{F9}(8) Regulations may—
- (a) provide for the first contribution condition (specified in sub-paragraph (2) above) to be taken to be satisfied in the case of persons who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time;
 - (b) with a view to securing any relaxation of the requirements of that condition (as so specified) in relation to persons who have been so entitled, provide for that condition to apply in relation to them subject to prescribed modifications.
- (9) In sub-paragraph (8)—
- “benefit” includes (in addition to any benefit under Parts II to V of this Act)—
- (a) any benefit under Parts VII to XII of this Act, and
 - (b) credits under regulations under section 22(5) above;
- “modifications” includes additions, omissions and amendments.]

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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** Sch. 3 para. 2(2)(a) substituted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 59(2)**; S.R. 2000/332, **art. 2(3)(a)(4)(5)**
- F5** Words in Sch. 3 para. 2(4)(a)(i)(5)(a)(i) substituted (with effect for 2003-04 and subsequent tax years) by National Insurance Contributions Act 2002 (c. 19), ss. 6, 8(2), **Sch. 1 para. 33(2)**
- F6** 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**
- F7** 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**
- F8** Words in Sch. 3 para. 2(7) inserted (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 59(3)**; S.R. 2000/332, **art. 2(3)(a)(4)(5)**
- F9** Sch. 3 para. 2(8)(9) added (3.11.2000 for specified purposes and 6.4.2001 otherwise) by S.I. 1999/3147 (N.I. 11), **art. 59(4)**; S.R. 2000/332, **art. 2(3)(a)(4)(5)**

Modifications etc. (not altering text)

- C1** Sch. 3 para. 2 modified (13.4.1995) by S.R. 1995/35, **reg. 14(1)**
- C2** Sch. 3 para. 2(6) modified (5.5.2003) by The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Modifications for Her Majestys Forces and Incapacity Benefit) Regulations 2003 (S.I. 2003/735), regs. 1, 4

Maternity allowance

- [^{F103} (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 [^{F11}66 weeks immediately preceding] the expected week of confinement, have actually paid contributions of a relevant class; and
 - (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

- F10** Sch. 3 para. 3 repealed (2.4.2000 for specified purposes and otherwise *prosp.*) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. V**; S.R. 1999/494, **art. 2(1)(c)(i)**

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- F11** 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\(4\)](#)

[^{F12}Bereavement payment]

Textual Amendments

- F12** [Sch. 3](#): words in cross-heading preceding para. 4 substituted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by [S.I. 1999/3147 \(N.I. 11\)](#), art. 67, [Sch. 8 para. 12\(2\)](#); [S.R. 2000/133](#), art. 2(3)(a), [Sch. Pt. I](#)

- 4 (1) The contribution condition for a [^{F13}bereavement 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 [^{F14}so much of the contributor's earnings as did not exceed the upper earnings limit and] 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.

Textual Amendments

- F13** Words in [Sch. 3 para. 4\(1\)](#) substituted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by [S.I. 1999/3147 \(N.I. 11\)](#), art. 67, [Sch. 8 para. 12\(2\)](#); [S.R. 2000/133](#), art. 2(3)(a), [Sch. Pt. I](#)
- F14** Words in [Sch. 3 para. 4\(2\)\(a\)](#) substituted (with effect for 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), ss. 6, 8(2), [Sch. 1 para. 33\(3\)](#)

Widowed mother's allowance [^{F15}, widowed parent's allowance, bereavement allowance] and widow's pension; retirement pensions (Categories A and B)

Textual Amendments

- F15** [Sch. 3](#): words in cross-heading preceding para. 5 inserted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by [S.I. 1999/3147 \(N.I. 11\)](#), art. 67, [Sch. 8 para. 12\(3\)](#); [S.R. 2000/133](#), art. 2(3)(a), [Sch. Pt. I](#)

- 5 (1) The contribution conditions for a widowed mother's allowance, [^{F16}a widowed parent's allowance, a bereavement allowance,] a widow's pension or a Category A or Category B retirement pension [^{F17}(other than one in relation to which paragraph 5A applies)] are the following.

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- (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—
 - (i) if that year is 1987-88 or any subsequent year, from [^{F18}so much of the contributor's earnings as did not exceed the upper earnings limit and] 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 [^{F19}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) [^{F20}so much of the contributor's earnings as did not exceed the upper earnings limit and] 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.

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- (6) The first condition shall be taken to be satisfied if the contributor concerned was entitled to [^{F21}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.
- [^{F22}(6A) The first condition shall be taken to be satisfied if the contributor concerned was entitled to main phase employment and support allowance 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.
- (6B) The reference in sub-paragraph (6A) above to main phase employment and support allowance is to an employment and support allowance in the case of which the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act (Northern Ireland) 2007 (addition where conditions of entitlement to support component or work-related activity component satisfied).]
- (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 ^{F23}... ; 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.
- [^{F24}But nothing in this sub-paragraph applies in relation to any benefit to which section 23A above applies.]
- [^{F25}(7A) Regulations may provide that a person is not to be taken for the purposes of sub-paragraph (7)(b) above as precluded from regular employment by responsibilities at home unless he meets the prescribed requirements as to the provision of information to the Department.]
- (8) For the purposes of [^{F26}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

- F16** Words in [Sch. 3 para. 5\(1\)](#) inserted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by [S.I. 1999/3147 \(N.I. 11\)](#), art. 67, [Sch. 8 para. 12\(3\)](#); [S.R. 2000/133](#), art. 2(3)(a), [Sch. Pt. I](#)
- F17** Words in [Sch. 3 para. 5\(1\)](#) inserted (11.2.2008) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\)](#), s. 1(2)
- F18** Words in [Sch. 3 para. 5\(2\)\(b\)\(i\)](#) substituted (with effect for 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), ss. 6, 8(2), [Sch. 1 para. 33\(4\)](#)
- F19** 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
- F20** Words in [Sch. 3 para. 5\(4\)\(a\)\(i\)](#) substituted (with effect for 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\)](#), ss. 6, 8(2), [Sch. 1 para. 33\(5\)](#)

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- F21** 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**
- F22** Sch. 3 para. 5(6A)(6B) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(13)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F23** 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**
- F24** Words in Sch. 3 para. 5(7) inserted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), s. 3(2)
- F25** Sch. 3 para. 5(7A) inserted (8.1.2001) by 2000 c. 4 (N.I.), s. 36; S.R. 2000/374, art. 2(d)
- F26** 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)

[^{F27}5A (1) This paragraph applies to—

- (a) a Category A retirement pension in a case where the contributor concerned attains pensionable age on or after 6th April 2010;
- (b) a Category B retirement pension payable by virtue of section 48A above in a case where the contributor concerned attains pensionable age on or after that date;
- (c) a Category B retirement pension payable by virtue of section 48B above in a case where the contributor concerned dies on or after that date without having attained pensionable age before that date.

(2) The contribution condition for a Category A or Category B retirement pension in relation to which this paragraph applies is that—

- (a) the contributor concerned must, in respect of each of not less than 30 years of his working life, have 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) in the case of each of those years, the earnings factor derived as mentioned in sub-paragraph (3) below must be not less than the qualifying earnings factor for that year.

(3) For the purposes of paragraph (b) of sub-paragraph (2) above, the earnings factor—

- (a) in the case of 1987–88 or any subsequent year, is that which is derived from—
 - (i) so much of the contributor's earnings as did not exceed the upper earnings limit and 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.

(4) Regulations may modify sub-paragraphs (2) and (3) above for the purposes of their application in a case where—

- (a) the contributor concerned has paid, or been credited with, contributions, or
- (b) contributions have been deemed to be, or treated as, paid by or credited to him,

under the National Insurance Act (Northern Ireland) 1946 or the National Insurance Act (Northern Ireland) 1966.]

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Textual Amendments

F27 Sch. 3 para. 5A inserted (11.2.2008) by [Pensions Act \(Northern Ireland\) 2008 \(c. 1\), s. 1\(3\)](#)

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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