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STATUTORY INSTRUMENTS

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**1994 No. 1837**

**SOCIAL SECURITY**

**The Social Security (Credits) Amendment Regulations 1994**

<i>Made</i>	- - - -	<i>11th July 1994</i>
<i>Laid before Parliament</i>		<i>18th July 1994</i>
<i>Coming into force</i>	- -	<i>8th August 1994</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 22(5), 122(1) and 175(1) to (3) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Credits) Amendment Regulations 1994 and shall come into force on 8th August 1994.

(2) In these Regulations “the principal Regulations” means the Social Security (Credits) Regulations 1975<sup>(3)</sup>.

**Amendment of regulation 9 of the principal Regulations**

2. In regulation 9(4) of the principal Regulations (credits for unemployment or incapacity for work)—

- (a) in sub-paragraph (a)(iii) the words “(including any employment to which sub-paragraph (b) of this paragraph applies)” shall be deleted; and
- (b) at the end of sub-paragraph (b)(ii) there shall be added the word “and” and after that sub-paragraph there shall be added the following sub-paragraph—
  - “(iii) he was engaged in no other employment in that week.”.

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(1) 1992 c. 4. Section 122(1) is cited because of the meaning ascribed to the word “prescribed”.  
(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).  
(3) S.I.1975/556, to which there are amendments.

### **Substitution of regulation 9A of the principal Regulations**

3. For regulation 9A of the principal Regulations(4) (credits for persons approaching pensionable age) there shall be substituted the following regulation—

“9A.—(1) For the purposes of entitlement to any benefit by virtue of a person’s earnings or contributions he shall, subject to the following paragraphs, be credited with such earnings as may be required to bring his relevant earnings factor in respect of a tax year to which this regulation applies to the level required to make that year a reckonable year.

(2) This regulation shall apply to the tax year in which a person attains the age of 60 and to each of the 4 succeeding tax years.

(3) Paragraph (1) shall apply, in the case of a self-employed earner, only if he is—

(a) liable to pay a Class 2 contribution in respect of any week in a tax year to which this regulation applies; or

(b) excepted from liability to pay Class 2 contributions in respect of any week in a tax year to which this regulation applies by virtue of his earnings being less than, or being treated by regulations as less than, the amount specified in section 11(4) of the Social Security Contributions and Benefits Act 1992 (exception from liability for Class 2 contributions on account of small earnings)(5),

so that he shall be credited with earnings equal to the lower earnings limit then in force in respect of each week for which he is not so liable.

(4) A person shall not be credited with earnings under paragraph (1) for any week in a tax year to which this regulation applies where, in respect of that week, he is entitled under any other provision of these Regulations to have earnings, or a contribution of any description, credited to him.

(5) Where in any tax year to which this regulation applies a person is absent from Great Britain for more than 182 days, he shall not by virtue of this regulation be credited with any earnings or contributions in that tax year.”.

### **Amendment of regulation 9B of the principal Regulations**

4. In regulation 9B(3) of the principal Regulations(6) (credits for jury service) at the end of sub-paragraph (b) there shall be added the word “or” and after that sub-paragraph there shall be added the following sub-paragraph—

“(c) to a person in respect of any week in any part of which he is a self-employed earner.”.

Signed by authority of the Secretary of State for Social Security.

*William Hague*  
Parliamentary Under-Secretary of State,  
Department of Social Security

11th July 1994

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(4) Regulation 9A was inserted by regulation 2(2) of S.I. 1983/463.

(5) 1992 c. 4. Section 11(4) was amended by article 4 of S.I. 1993/280 and by article 3(b) of S.I. 1994/544. See also the Social Security (Contributions) Regulations 1979, S.I. 1979/591, regulations 25 and 26.

(6) Regulation 9B, to which there are amendments, was inserted by regulation 2(3) of S.I. 1988/516.

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## EXPLANATORY NOTE

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

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

Regulation 2, which amends regulation 9(4) of the principal Regulations, adds to the conditions subject to which a person is eligible for credits for unemployment.

Regulation 3, by substituting regulation 9A of the principal Regulations, amends the circumstances in which credits are to be awarded to persons approaching pensionable age.

Regulation 4, which amends regulation 9B of the principal Regulations, provides for the exclusion of self-employed earners from eligibility for credits for jury service.

These Regulations do not impose any costs on business.