

1977 No. 132

SOCIAL SECURITY

**The Social Security (Credits) (Amendment) Regulations
(Northern Ireland) 1977**

Made 9th May 1977

Coming into operation—

*for the purpose specified
in regulation 1(2)* 9th May 1977

for all other purposes 29th May 1977

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 13(4) of the Social Security (Northern Ireland) Act 1975(a), as extended by Article 18(25) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(b), and section 2 of, and paragraph 3 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1.—(1) These regulations, which may be cited as the Social Security (Credits) (Amendment) Regulations (Northern Ireland) 1977, shall be read as one with the Social Security (Credits) Regulations (Northern Ireland) 1975(d) (hereinafter referred to as “the principal regulations”), as amended(e), and, subject to the following paragraph of this regulation, shall come into operation on 29th May 1977.

(2) For the purpose only of determining, before 29th May 1977, claims for, or questions arising as to, benefit for any period after 28th May 1977, these regulations shall come into operation on 9th May 1977.

Amendment of regulation 9 of the principal regulations

2. Regulation 9 of the principal regulations shall be amended by the insertion at the beginning of paragraph (1) of the words “Subject to paragraph (9)” and by the addition after paragraph (8) of the following paragraph:

“(9) A Class 1 credit to which a person is entitled in respect of any week by virtue of the provisions of this regulation shall be a credit for the purpose of enabling him to satisfy the second contribution condition for entitlement to unemployment benefit, sickness benefit, maternity grant or maternity allowance only if—

(a) in respect of the relevant past year, that person has an earnings factor of not less than 13 times the lower earnings limit for that year which, for the purposes of entitlement to unemployment benefit, is derived from Class 1 contributions actually paid or, for any other purpose, is derived from Class 1 or Class 2 contributions actually paid; or

(a) 1975 c. 15

(b) S.I. 1977/610 (N.I. 11)

(c) 1975 c. 18

(d) S.R. 1975 No. 113 (I, p. 760)

(e) There is no amendment which relates expressly to the subject matter of these regulations.

- (b) in respect of any day in, or as the case may be any week falling wholly or partly in, the relevant past year, there was payable to that person or, but for the operation of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(f) there would have been payable to him any one of the following benefits—
- (i) invalidity pension under section 15;
 - (ii) invalid care allowance;
 - (iii) injury benefit;
 - (iv) unemployability supplement under the Act or as defined in regulation 2(1) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975; or
- (c) that person has claimed unemployment benefit or sickness benefit in respect of a day, or has claimed maternity allowance for which the maternity allowance period includes a day, being, in any case, a day in the relevant past year which formed part of a period of interruption of employment and such person has satisfied, or may by virtue of any enactment or regulations be treated as having satisfied, the contribution conditions for such benefit or allowance in accordance with Schedule 3 to the Act, or regulations made under section 33(2) of the Act, or paragraph 3 of Schedule 2 to the National Insurance Act (Northern Ireland) 1966(g), or regulations made under section 44(1) of that Act of 1966, or regulation 2 of the Social Security (Maternity Allowance) (Transitional) (Northern Ireland) Regulations 1974(h), or regulation 3, 6 or 14 of the Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975(i); or
- (d) for the relevant past year that person was entitled to a credit in respect of any week by virtue of the provisions of regulation 7 or to a credit by virtue of the provisions of regulation 10(8); or
- (e) that person was entitled to a Class 1 credit by virtue of the foregoing provisions of this regulation in respect of a week in the relevant past year and either he had exhausted his right to unemployment benefit for a day or days in that week under section 18 of the Act or under section 20(1) of the National Insurance Act (Northern Ireland) 1966, or he had exhausted his right to sickness benefit for a day or days in that week under section 20(3) of that Act of 1966:

Provided that this paragraph shall not apply in relation to:—

- (a) any unemployment or sickness benefit or maternity allowance in any case in which the relevant past year for the purpose of the second contribution condition for such benefit or allowance is the tax year beginning with 6th April 1975 where the person claiming such benefit or allowance had, before 29th May 1977, made a claim to unemployment or sickness benefit in respect of, or maternity allowance for which the maternity allowance period included, a day before the said 29th May 1977; being a day forming part of a period of interruption of employment; where the relevant past year for the purpose of the second contribution condition for such benefit or allowance was also the tax year beginning 6th April 1975 and that person satisfied the contribution conditions for such benefit or allowance to the extent required to provide some entitlement thereto; or

(f) S.R. 1975 No. 94 (I, p. 561)

(g) 1966 c. 6 (N.I.)

(h) S.R. 1974 No. 34 (I, p. 101)

(i) S.R. 1975 No. 44 (I, p. 197)

- (b) any maternity grant, claimed within the time prescribed by the Social Security (Claims and Payments) Regulations (Northern Ireland) 1975(j) before 29th May 1977; or
- (c) any maternity allowance, claimed within the time prescribed by the Social Security (Claims and Payments) Regulations (Northern Ireland) 1975 before 29th May 1977, for which the maternity allowance period includes a day falling before that date which formed part of a period of interruption of employment.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 9th May 1977.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations amend the Social Security (Credits) Regulations (Northern Ireland) 1975 to provide that only in certain circumstances shall contributions under the Social Security (Northern Ireland) Act 1975 credited for periods of unemployment or incapacity for work be credits for the purposes of entitlement to unemployment benefit, sickness benefit, maternity grant or maternity allowance.