

## 1994 No. 265

## SOCIAL SECURITY

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

*Made* . . . . . 11th July 1994

*Coming into operation* . . . . . 8th August 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 22(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

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

(2) In these regulations “the principal regulations” means the Social Security (Credits) Regulations (Northern Ireland) 1975(b).

*Amendment of regulation 9 of the principal regulations*

2. In regulation 9(4) of the principal regulations(c) (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;
- (b) after head (ii) of sub-paragraph (b) there shall be added the following head—  
“and
- (iii) he was engaged in no other employment in that week,”.

*Substitution of regulation 9A of the principal regulations*

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

(a) 1992 c. 7

(b) S.R. 1975 No. 113; relevant amending regulations are S.R. 1976 No. 321, S.R. 1982 No. 42, S.R. 1983 Nos. 76 and 348, S.R. 1987 No. 153, S.R. 1988 Nos. 105 and 326 and S.R. 1994 No. 65

(c) Regulation 9(4) was amended by S.R. 1976 No. 321, S.R. 1982 No. 42 and S.R. 1994 No. 65; other relevant amending regulations for the purposes of regulation 9(4) are S.R. 1989 No. 368 and S.R. 1992 No. 135

(d) Regulation 9A was inserted by regulation 2(2) of S.R. 1983 No. 76 and amended by S.R. 1983 No. 348, S.R. 1987 No. 153 and S.R. 1988 No. 326

“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 (Northern Ireland) Act 1992(a) (exception from liability for Class 2 contributions on account of small earnings),

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 Northern Ireland 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(b) (credits for jury service) after sub-paragraph (b) there shall be added the following sub-paragraph—

“, or

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

#### *Revocations*

5. The following regulations are hereby revoked—

(a) regulation 2(2) of the Social Security and Supplementary Benefit (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1983(c);

(a) Section 11(4) was amended by Article 3(b) of S.R. 1994 No. 79; see also regulations 25 and 26 of S.R. 1979 No. 186

(b) Regulation 9B was inserted by regulation 3 of S.R. 1988 No. 105 and amended by S.R. 1988 No. 326

(c) S.R. 1983 No. 76

- (b) the Social Security (Credits) (Amendment No. 2) Regulations (Northern Ireland) 1983(a);
- (c) regulation 9 of the Social Security (Credits) (Amendment) Regulations (Northern Ireland) 1987(b);
- (d) regulation 2(5)(d) of the Social Security (Credits) (Amendment No. 4) Regulations (Northern Ireland) 1988(c).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th July 1994.

(L.S.)

C. P. Moore

Assistant Secretary

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- (a) S.R. 1983 No. 348
  - (b) S.R. 1987 No. 153
  - (c) S.R. 1988 No. 326

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### EXPLANATORY NOTE

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

These regulations further amend the Social Security (Credits) Regulations (Northern Ireland) 1975 ("the principal regulations").

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

Regulation 3 contains a substitution for regulation 9A of the principal regulations, to amend the circumstances in which credits are to be awarded to persons approaching pensionable age.

Regulation 4 amends regulation 9B of the principal regulations, to provide for the exclusion of self-employed earners from eligibility for credits for jury service.

Regulation 5 contains revocations.

These regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.