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## STATUTORY INSTRUMENTS

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# 1975 No. 556

## SOCIAL SECURITY

### The Social Security (Credits) Regulations 1975

<i>Made</i>	- - - -	<i>3rd April 1975</i>
<i>Laid before Parliament</i>		<i>4th April 1975</i>
<i>Coming into Operation</i>		<i>6th April 1975</i>

The Secretary of State for Social Services in exercise of the powers conferred upon her by section 13(4) of the Social Security Act 1975 and section 2(1) of, and paragraph 3 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975 and of all other powers enabling her in that behalf, without having referred any proposals on the matter to the National Insurance Advisory Committee since it appears to her that by reason of urgency it is inexpedient to do so, hereby makes the following regulations:—

#### **Modifications etc. (not altering text)**

- C1** Instrument applied (5.10.2009) by [The Flexible New Deal \(Miscellaneous Provisions\) Order 2009 \(S.I. 2009/1562\)](#), reg. 2(1)(c), [Sch.](#)
- C2** Instrument applied (with modifications) (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), [reg. 16\(2\)\(e\)\(iii\)\(3\)](#) (with reg. 3)

#### **Citation and commencement**

1. These regulations may be cited as the Social Security (Credits) Regulations 1975 and shall come into operation on 6th April 1975.

#### **Interpretation**

2.—(1) In these regulations, unless the context otherwise requires,—

“the Act” means the Social Security Act 1975;

[<sup>F1</sup>“the 2012 Act” means the Welfare Reform Act 2012;]

[<sup>F2</sup>“benefit” includes a contribution-based jobseeker’s allowance but not an income-based jobseeker’s allowance [<sup>F3</sup>and includes a contributory employment and support allowance but not an income-related employment and support allowance];]

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[<sup>F4</sup>“bereavement allowance” means an allowance referred to in section 39B of the Contributions and Benefits Act;]

[<sup>F4</sup>“bereavement benefit” means a benefit referred to in section 20(1)(ea) of the Contributions and Benefits Act;]

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...

[<sup>F6</sup>“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

[<sup>F7</sup>“contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;]

[<sup>F8</sup>“contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;]

“credits” and “a credit” shall be construed in accordance with regulation 3;

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[<sup>F2</sup>“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]

[<sup>F10</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (employment and support allowance);]

[<sup>F2</sup>“jobseeker’s allowance” means an allowance payable under Part I of the Jobseekers Act 1995;]

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[<sup>F11</sup>“reckonable year” means a year for which the relevant earnings factor of the contributor concerned was sufficient to satisfy—

- (a) in relation to short-term incapacity benefit, widowed mother’s allowance, [<sup>F12</sup>widowed parent’s allowance, bereavement benefits,] widow’s pension or Category A or Category B retirement pension, paragraph (b) of the second contribution condition specified in relation to that benefit in Schedule 3 to the Contributions and Benefits Act; <sup>F13</sup>...
- (b) in relation to contribution-based jobseeker’s allowance, the additional condition specified in section 2(3) of the Jobseekers Act 1995;][<sup>F14</sup>or]
- (c) [<sup>F14</sup>in relation to a contributory employment and support allowance, the condition specified in paragraph 2(1) of Schedule 1 to the Welfare Reform Act (conditions relating to national insurance).]

[<sup>F15</sup>“relevant benefit year” has the same meaning as it has—

- (a) in relation to short-term incapacity benefit, in paragraph 2(6)(b) of Schedule 3 to the Contributions and Benefits Act; <sup>F16</sup>...
- (b) in relation to contribution-based jobseeker’s allowance, in section 2(4)(b) of the Jobseekers Act 1995;][<sup>F17</sup>and]

- (c) [<sup>F17</sup>in relation to a contributory employment and support allowance, in paragraph 3(1)(f) of Schedule 1 to the Welfare Reform Act (conditions relating to national insurance);]

“relevant earnings factor”, [<sup>F18</sup>in relation to any benefit, means—

- (a) [<sup>F19</sup>if the benefit is a contribution-based jobseeker’s allowance or if the contributions relevant to the benefit under section 21 of the Contributions and Benefits Act] are Class 1 contributions, the earnings factor derived from earnings upon which primary Class 1 contributions have been paid or treated as paid, or credited earnings;
- (b) if the contributions relevant to that benefit under [<sup>F20</sup>that section] are Class 1 and Class 2 contributions, the earnings factor or the aggregate of the earnings factors derived from—
- (i) earnings primary Class 1 contributions have been paid or treated as paid, or credited earnings, and
- (ii) Class 3 contributions;
- (c) if the contributions relevant to that benefit under [<sup>F20</sup>that section] are Class 1, Class 2 and Class 3 contributions, the earnings factor or the aggregate of the earnings factors derived from—
- (i) earnings upon which primary contributions have been paid or treated as paid, or credited earnings,
- (ii) Class 2 contributions, and
- (iii) Class 3 contributions paid or credited]

[<sup>F21</sup>“relevant past year” means the last complete year before the beginning of the relevant benefit year;]

[<sup>F22</sup>“universal credit” means universal credit under Part 1 of the 2012 Act;]

[<sup>F23</sup>“the Welfare Reform Act” means the Welfare Reform Act 2007;]

[<sup>F4</sup>“widowed parent’s allowance” means an allowance referred to in section 39A of the Contributions and Benefits Act;]

[<sup>F24</sup>“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002]

[<sup>F25</sup>“year” means tax year;]

and other expressions have the same meanings as in the Act.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, any reference in these regulations—

- (a) to a numbered section is a reference to the section of the Act bearing that number;
- (b) to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;
- (c) to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces or which may re-enact or replace it with or without modification.

(4) Nothing in these regulations shall be construed as entitling any person to be credited with contributions for the purposes of any benefit for a day, period or event occurring before 6th April 1975.

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### Textual Amendments

- F1** Words in reg. 2(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(2)(a)**
- F2** Words in reg. 2(1) inserted (7.10.1996) by The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, **2(2)(a)** (with reg. 4)
- F3** Words in reg. 2(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(a)**
- F4** Words in reg. 2(1) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, **3(2)**
- F5** Words in reg. 2(1) omitted (7.10.1996) by virtue of The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, **2(2)(e)** (with reg. 4)
- F6** Words in reg. 2(1) inserted (13.4.1995) by The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations 1995 (S.I. 1995/829), regs. 1(1), **6(2)** (with Pt. III)
- F7** Words in reg. 2(1) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(2)(b)**
- F8** Words in reg. 2(1) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(2)(c)**
- F9** Words in reg. 2 omitted (7.4.2003) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(a)(i)**
- F10** Words in reg. 2(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(c)**
- F11** Words in reg. 2(1) substituted (7.10.1996) by The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, **2(2)(b)** (with reg. 4)
- F12** Words in reg. 2(a) inserted (16.7.2007) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2007 (S.I. 2007/1749), regs. 1, **8(2)**
- F13** Word in reg. 2(1) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(d)(i)**
- F14** Words in reg. 2(1) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(d)(ii)**
- F15** Words in reg. 2(1) substituted (7.10.1996) by The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, **2(2)(c)** (with reg. 4)
- F16** Word in reg. 2(1) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(e)(i)**
- F17** Words in reg. 2(1) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(e)(ii)**
- F18** Words in reg. 2(1) substituted (6.4.1987) by The Social Security (Credits) Amendment Regulations 1987 (S.I. 1987/414), regs. 1(1), **2** (with reg. 11)
- F19** Words in reg. 2(1) substituted (7.10.1996) by The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, **2(2)(d)(i)** (with reg. 4)
- F20** Words in reg. 2(1) substituted (7.10.1996) by The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, **2(2)(d)(ii)** (with reg. 4)
- F21** Words in reg. 2(1) substituted (2.10.1988) by The Social Security (Credits) Amendment (No. 4) Regulations 1988 (S.I. 1988/1545), regs. 1(1), **2(2)**

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- F22** Words in reg. 2(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(2)(d)**
- F23** Words in reg. 2(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(2)(f)**
- F24** Words in reg. 2 substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(a)(ii)**
- F25** Words in reg. 2(1) inserted (2.10.1988) by The Social Security (Credits) Amendment (No. 2) Regulations 1988 (S.I. 1988/1230), regs. 1(1), **2(2)** (with reg. 3(2))

**General provisions relating to the crediting of contributions [<sup>F26</sup>and earnings]**

**3.**—<sup>F27</sup>(1) Any contributions or earnings credited in accordance with these Regulations shall be only for the purpose of enabling the person concerned to satisfy—

- (aa) [<sup>F28</sup>in relation to short-term incapacity benefit, the second contribution condition specified in paragraph 2(3) of Schedule 3 (contribution conditions for entitlement to benefit) to the Contributions and Benefits Act;]
- (ab) [<sup>F28</sup>in relation to—
  - (i) widowed mother’s allowance;
  - (ii) widowed parent’s allowance;
  - (iii) bereavement allowance; and
  - (iv) widow’s pension,
 the second contribution condition specified in paragraph 5(3) of Schedule 3 to the Contributions and Benefits Act;]
- (ac) [<sup>F28</sup>in relation to a Category A or Category B retirement pension—
  - (i) in the case of a retirement pension to which paragraph 5 of Schedule 3 to the Contributions and Benefits Act applies, the second contribution condition specified in paragraph 5(3); and
  - (ii) otherwise, the contribution condition specified in paragraph 5A(2) of Schedule 3 to that Act;]
 (b) in relation to contribution-based jobseeker’s allowance, the condition specified in section 2(1)(b) of the Jobseekers Act 1995; [<sup>F29</sup>or]
- <sup>F29</sup>(c) in relation to a contributory employment and support allowance, the condition specified in paragraph 2(1) of Schedule 1 to the Welfare Reform Act,]

and accordingly, where under any of the provisions of these Regulations a person would, but for this paragraph, be entitled to be credited with any contributions or earnings for a year, or in respect of any week in a year, he shall be so entitled for the purposes of any benefit only if and to no greater extent than that by which his relevant earnings factor for that year falls short of the level required to make that year a reckonable year.]

- (2) Where under these regulations a person is entitled for the purposes of any benefit to—
  - (a) [<sup>F30</sup>be credited with earnings] for a year, he is to be credited with such amount of [<sup>F31</sup>earnings] as may be required to bring his relevant earnings factor to the level required to make that year a reckonable year;
  - <sup>F32</sup>(b) .....

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(3) Where under these regulations a person is entitled to [<sup>F33</sup>be credited with earnings or a contribution] in respect of a week which is partly in one tax year and partly in another, he shall be entitled to [<sup>F34</sup>be credited with those earnings or that contribution] for the tax year in which that week began and not for the following year.

#### Textual Amendments

- F26** Words in reg. 3 heading substituted (6.4.1987) by [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **3(a)** (with reg. 11)
- F27** Reg. 3(1) substituted (7.10.1996) by [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, **2(3)** (with reg. 4)
- F28** Reg. 3(1)(aa)(ac) substituted for reg. 3(1)(a) (6.4.2010) by [The Social Security \(State Pension and National Insurance Credits\) Regulations 2009 \(S.I. 2009/2206\)](#), regs. 1(3), **29(2)**
- F29** Reg. 3(1)(c) and word added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **48(3)(b)**
- F30** Words in reg. 3(2)(a) substituted (6.4.1987) by [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **3(c)(i)** (with reg. 11)
- F31** Words in reg. 3(2)(a) substituted (6.4.1987) by [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **3(c)(ii)** (with reg. 11)
- F32** Reg. 3(2)(b) omitted (6.4.1987) by virtue of [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **3(c)(iii)** (with reg. 11)
- F33** Words in reg. 3(3) substituted (6.4.1987) by [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **3(d)(i)** (with reg. 11)
- F34** Words in reg. 3(3) substituted (6.4.1987) by [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **3(d)(ii)** (with reg. 11)

#### Starting credits for the purposes of a retirement pension, a widowed mother's allowance<sup>F35</sup>, a widowed parent's allowance, a bereavement allowance] and a widow's pension

4.—(1) [<sup>F36</sup>Subject to paragraph (1A),] for the purposes of entitlement to a Category A or a Category B retirement pension, a widowed mother's allowance<sup>F37</sup>, a widowed parent's allowance, a bereavement allowance] or a widow's pension [<sup>F38</sup>by virtue of a person's earnings or contributions], he shall be credited with such number of Class 3 contributions as may be required to bring his relevant earnings factor in respect of the tax year in which he attained the age of 16 and for each of the 2 following tax years to the level required to make those years reckonable years; so however that, subject to paragraph (2), no contribution shall be credited under this regulation in respect of any tax year commencing before 6th April 1975.

[<sup>F39</sup>(1A) For the purposes of entitlement to a Category A or a Category B retirement pension, no contribution shall be credited under this regulation—

- (a) in respect of any tax year commencing on or after 6th April 2010;
- (b) in respect of any other tax year, where an application under regulation 9 (application for allocation of national insurance number) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 is made on or after 6th April 2010.]

(2) Where a person was in Great Britain on 6th April 1975 and had attained the age of 16 but was not an insured person under the National Insurance Act 1965, he shall be credited with contributions under paragraph (1) in respect of the tax year commencing on 6th April 1974.

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**Textual Amendments**

- F35** Words in reg. 4 heading inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **3(4)**
- F36** Words in reg. 4(1) inserted (5.4.2011) by [The National Insurance Contributions Credits \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/709\)](#), regs. 1, **2(2)(a)**
- F37** Words in reg. 4(1) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **3(4)**
- F38** Words in reg. 4 substituted (2.10.1988) by [The Social Security \(Credits\) Amendment \(No. 4\) Regulations 1988 \(S.I. 1988/1545\)](#), regs. 1(1), **2(5)(a)**
- F39** Reg. 4(1A) inserted (5.4.2011) by [The National Insurance Contributions Credits \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/709\)](#), regs. 1, **2(2)(b)**

**Starting credits for the purposes of unemployment benefit, sickness benefit and maternity allowance**

<sup>F40</sup>5. ....

**Textual Amendments**

- F40** Reg. 5 revoked (2.10.1988) by [The Social Security \(Credits\) Amendment \(No. 2\) Regulations 1988 \(S.I. 1988/1230\)](#), regs. 1(1), **3(1)** (with reg. 3(2))

**Starting credits for the purposes of a maternity grant**

6. [<sup>F41</sup>For the purposes of entitlement to a maternity grant by virtue of a person's contributions he shall—

- (a) be credited with such number of Class 3 contributions as may be required to bring his relevant earnings factor for the relevant past year, if it is a year for which contributions could be credited under regulation 4 which commenced on or after 6th April 1975, to the level required to make it a reckonable year;
- (b) in the case of a person to whom regulation 5(1) applies, be entitled to Class 1 credits for the relevant past year, if (not being a year for which he is entitled to credits under sub-paragraph (a) of this paragraph) it is a year mentioned in paragraph (1), but not paragraph (2), of regulation 5.]

**Textual Amendments**

- F41** Reg. 6 revoked (6.4.1988) by [The Social Security \(Credits\) Amendment Regulations 1988 \(S.I. 1988/516\)](#), regs. 1(1), **3(1)** (with reg. 3(2))

**Credits for approved training**

7.—(1) For the purposes of entitlement to any benefit [<sup>F42</sup>by virtue of a person's earnings or contributions] he shall, subject to paragraphs [<sup>F43</sup>(2) to (4)], be entitled to [<sup>F44</sup>be credited with earnings equal to the lower earnings limit then in force,] in respect of each week in any part of which he was undergoing (otherwise than in pursuance of his employment as an employed earner) a course of <sup>F45</sup>... training approved by the Secretary of State for the purposes of this regulation.

[<sup>F46</sup>(2) Paragraph (1) shall apply to a person only if —



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- (a) the course is —
- (i) a course of full-time training; or
  - (ii) a course of training which he attends for not less than 15 hours in the week in question and he is a disabled person within the meaning of the Disabled Persons (Employment) Act 1944; or
  - (iii) a course of training introductory to a course to which paragraph (i) or (ii) above applies; and
- (b) when the course began it was not intended to continue for more than 12 months or, if he was a disabled person within the meaning of the Disabled Persons (Employment) Act 1944 and the training was provided under the Employment and Training Act 1973 <sup>[F47]</sup> or the Enterprise and New Towns (Scotland) Act 1990], for such longer period as is reasonable in the circumstances of his case; and
- (c) he had attained the age of 18 before the beginning of the tax year in which the week in question began.]

(3) Paragraph (1) shall not apply to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made <sup>[F48]</sup> under section 3(2) of the Social Security Pensions Act 1975] had effect.

<sup>[F49]</sup>(4) Paragraph (1) shall not apply to a person in respect of any week in any part of which that person was entitled to universal credit.]

#### Textual Amendments

- F42** Words in reg. 7 substituted (2.10.1988) by The Social Security (Credits) Amendment (No. 4) Regulations 1988 (S.I. 1988/1545), regs. 1(1), **2(5)(b)**
- F43** Words in reg. 7(1) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(3)(a)**
- F44** Words in reg. 7(1) substituted (6.4.1987) by The Social Security (Credits) Amendment Regulations 1987 (S.I. 1987/414), regs. 1(1), **5(a)** (with reg. 11)
- F45** Word in reg. 7(1) omitted (4.9.1988) by virtue of The Social Security (Credits) Amendment (No. 3) Regulations 1988 (S.I. 1988/1439), regs. 1(1), **2(a)** (with reg. 3)
- F46** Reg. 7(2) substituted (4.9.1988) by The Social Security (Credits) Amendment (No. 3) Regulations 1988 (S.I. 1988/1439), regs. 1(1), **2(b)** (with reg. 3)
- F47** Words in reg. 7(2)(b) added (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **3(a)**
- F48** Words in reg. 7(3) substituted (6.4.1978) by The Social Security (Credits) Amendment and (Earnings Factor) Transitional Regulations 1978 (S.I. 1978/409), regs. 1(1), **2(2)**
- F49** Reg. 7(4) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(3)(b)**

#### <sup>[F50]</sup>Credits for <sup>[F51]</sup>carer's allowance]

**7A.—**(1) For the purposes of entitlement to any benefit <sup>[F52]</sup>by virtue of a person's earnings or contributions] he shall, subject to paragraph (2), be entitled to <sup>[F53]</sup>be credited with earnings equal to the lower earnings limit then in force,] in respect of each week for any part of which <sup>[F54]</sup>a carer's allowance] is paid to him, <sup>[F55]</sup>or would be paid to him but for a restriction under section <sup>[F56]</sup>6B or] 7 of the Social Security Fraud Act 2001 (loss of benefit provisions)] or in the case of a <sup>[F57]</sup>widow, widower or surviving civil partner], would have been so payable but for the provisions of the Social Security (Overlapping Benefits) Regulations 1975, as amended by the Social Security (Invalid Care



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Allowance) Regulations 1976, requiring adjustment of [<sup>F54</sup>a carer's allowance] against widow's benefit [<sup>F58</sup>, bereavement benefit] or benefit by virtue of section 39(4) corresponding to a widowed mother's allowance or a widow's pension.

(2) Paragraph (1) shall not apply—

- (a) to a person in respect of any week where he is entitled to [<sup>F59</sup>be credited with earnings] under [<sup>F60</sup>regulation 8A or 8B] in respect of the same week; or
- (b) to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made [<sup>F61</sup>under section 3(2) of the Social Security Pensions Act 1975] had effect.]

#### Textual Amendments

- F50** Reg. 7A inserted (6.4.1978) by The Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409), reg. 1(1), 19.
- F51** Words in heading to reg. 7A substituted (1.4.2003) by The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), 3, Sch. 2
- F52** Words in reg. 7A substituted (2.10.1988) by The Social Security (Credits) Amendment (No. 4) Regulations 1988 (S.I. 1988/1545), regs. 1(1), 2(5)(c)
- F53** Words in reg. 7A(1) substituted (6.4.1987) by The Social Security (Credits) Amendment Regulations 1987 (S.I. 1987/414), regs. 1(1), 6(a) (with reg. 11)
- F54** Words in reg. 7A(1) substituted (1.4.2003) by The Social Security Amendment (Carer's Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), 3, Sch. 2
- F55** Words in reg. 7A(1) inserted (1.4.2002) by The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), 3(a)
- F56** Words in reg. 7A(1) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, 13(2)
- F57** Words in reg. 7A(1) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, Sch. 3 para. 4(2) (with art. 3)
- F58** Words in reg. 7A(1) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, 3(5)(b)
- F59** Words in reg. 7A(2)(a) substituted (6.4.1987) by The Social Security (Credits) Amendment Regulations 1987 (S.I. 1987/414), regs. 1(1), 6(b) (with reg. 11)
- F60** Words in reg. 7A(2)(a) substituted (7.10.1996) by The Social Security (Credits and Contributions) (Jobseekers Allowance Consequential and Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2367), regs. 1, 2(4) (with reg. 4)
- F61** Words in reg. 7A(2)(b) substituted (6.4.1978) by The Social Security (Credits) Amendment and (Earnings Factor) Transitional Regulations 1978 (S.I. 1978/409), regs. 1(1), 2(2)

#### [<sup>F62</sup>Credits for [<sup>F63</sup>disability element of working tax credit ]

**7B.**—(1) For the purposes of entitlement to any benefit by virtue of a person's earnings or contributions he shall, subject to paragraphs (2) and (3), be credited with earnings equal to the lower earnings limit then in force in respect of each week for any part of which [<sup>F64</sup>the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in an award of working tax credit which] is paid to him.

(2) Paragraph (1) shall apply to a person only if he is—

- (a) an employed earner; or

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- (b) a self-employed earner who is excepted from liability to pay Class 2 contributions by virtue of his earnings being less than or being treated by regulations as less than the amount specified in section 7(5) of the Act (exception from liability for Class 2 contributions on account of small earnings).
- (3) Paragraph (1) shall not apply—
  - (a) to a person in respect of any week where he is entitled to be credited with earnings under [F65]regulation 8A or 8B] in respect of the same week; or
  - (b) to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 3(2) of the Social Security Pensions Act 1975 had effect.]

**Textual Amendments**

**F62** Reg. 7B added (6.4.1992) by [The Social Security \(Credits\) Amendment Regulations 1991 \(S.I. 1991/2772\)](#), regs. 1(1), **3**

**F63** Words in reg. 7B heading substituted (7.4.2003) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), reg. 1(10)(c), **Sch. 4 para. 1(b)**

**F64** Words in reg. 7B(1) substituted (7.4.2003) by [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), reg. 1(10)(c), **Sch. 4 para. 1(c)**

**F65** Words in reg. 7B(3)(a) substituted (7.10.1996) by [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, **2(4)** (with reg. 4)

[F66]Credits for [F67]working tax credit]

7C.—(1) [F68]Subject to regulation 7B,] for the purposes of entitlement to a Category A or a Category B retirement pension, a widowed mother’s allowance[F69], a widowed parent’s allowance, a bereavement allowance] or a widow’s pension by virtue of a person’s earnings or contributions, where [F70]working tax credit] is paid for any week in respect of—

- (a) an employed earner; or
- (b) a self-employed earner who is excepted from liability to pay Class 2 contributions 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 Contributions and Benefits Act (exception from liability for Class 2 contributions on account of small earnings),

that person shall, subject to paragraphs (4) and (5), be credited with earnings equal to the lower earnings limit then in force in respect of that week.

(2) The reference in paragraph (1) to the person in respect of whom [F71]working tax credit] is paid—

- (a) where it is paid to one of [F72]a couple], is a reference to the member of that couple specified in paragraph (3); and
- (b) in any other case, is a reference to the person to whom it is paid.

(3) The member of [F73]a couple] specified for the purposes of paragraph (2)(a) is—

- (a) where only one member is assessed for the purposes of the award of [F74]working tax credit] as having income consisting of earnings, that member;

[F75](b) .....

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- (c) where the earnings of each member are assessed<sup>F76</sup> ..., the member to whom [<sup>F77</sup>working tax credit] is paid.
- (4) Paragraph (1) shall not apply—
- (a) to a person in respect of any week where he is entitled to be credited with earnings under [<sup>F78</sup>regulation 8A or 8B] in respect of the same week; or
- (b) to a woman in respect of any week in any part of which she is a married woman in respect of whom an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act has effect.
- <sup>F79</sup>(5) .....
- (6) In this regulation [<sup>F80</sup>couple][<sup>F80</sup>has] the same meaning as in Part VII of the Contributions and Benefits Act.]

#### Textual Amendments

- F66** Reg. 7C added (1.11.1995) by The Social Security (Credits) Amendment Regulations 1995 (S.I. 1995/2558), regs. 1, 2
- F67** Words in reg. 7C heading substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(d)**
- F68** Words in reg. 7C(1) inserted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(i)**
- F69** Words in reg. 7C(1) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, **3(6)**
- F70** Words in reg. 7C(1) substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(ii)**
- F71** Words in reg. 7C(2) substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(ii)**
- F72** Words in reg. 7C(2)(a) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 4(3)(a)** (with art. 3)
- F73** Words in reg. 7C(3) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 4(3)(a)** (with art. 3)
- F74** Words in reg. 7C(3)(a) substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(iii)**
- F75** Reg. 7C(3)(b) omitted (7.4.2003) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(iii)**
- F76** Words in reg. 7C(3)(c) omitted (7.4.2003) by virtue of The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(iii)**
- F77** Words in reg. 7C(3)(c) substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 1(e)(iii)**

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- F78** Words in reg. 7C(4)(a) substituted (7.10.1996) by [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, **2(4)** (with reg. 4)
- F79** Reg. 7C(5) omitted (7.4.2003) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), reg. 1(10)(c), **Sch. 4 para. 1(e)(iv)**
- F80** Words in reg. 7C(6) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 4(3)(b)** (with art. 3)

### Credits on termination of full-time education, training or apprenticeship

8.—<sup>F81</sup>(1) For the purposes of his entitlement to <sup>F82</sup>a contribution-based jobseeker's allowance]<sup>F83</sup>, short-term incapacity benefit or a contributory employment and support allowance] a person shall be entitled to be credited with earnings equal to the lower earnings limit then in force for either one of the last two complete years before the beginning of the relevant benefit year if—

- (a) during any part of that year he was—
- (i) undergoing a course of full-time education; or
- (ii) undergoing—
- (a) a course of training which was full-time and which was arranged under section 2(1) of the Employment and Training Act 1973 <sup>F84</sup>or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990]; or
- (b) any other full-time course the sole or main purpose of which was the acquisition of occupational or vocational skills; or
- (c) if he is a disabled person within the meaning of the Disabled Persons (Employment) Act 1944, a part-time course attended for at least 15 hours a week which, if it was full-time, would fall within either of heads (a) or (b) above; or
- (iii) an apprentice; and
- (b) the other year is, in his case, a reckonable year; and
- (c) that course or, as the case may be, his apprenticeship has terminated.]
- (2) Paragraph (1) shall not apply—
- (a) where the course of education or training or the apprenticeship commenced after the person had attained the age of 21;
- (b) to a woman in respect of any tax year immediately before the end of which she was a married woman and an election made by her under regulations made <sup>F85</sup>under section 3(2) of the Social Security Pensions Act 1975] had effect<sup>F86</sup>;
- <sup>F87</sup>(c) to a person in respect of any tax year before that in which he attains the age of 18.]

### Textual Amendments

- F81** Reg. 8(1) substituted (1.10.1989) by [The Social Security \(Credits\) Amendment Regulations 1989 \(S.I. 1989/1627\)](#), regs. 1, **3**
- F82** Words in reg. 8(1) substituted (7.10.1996) by [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, **2(5)** (with reg. 4)

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- F83** Words in reg. 8(1) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(4)**
- F84** Words in reg. 8(1)(a)(ii) added (1.4.1991) by The Enterprise (Scotland) Consequential Amendments Order 1991 (S.I. 1991/387), arts. 1, **3(b)**
- F85** Words in reg. 8(2)(b) substituted (6.4.1978) by The Social Security (Credits) Amendment and (Earnings Factor) Transitional Regulations 1978 (S.I. 1978/409), regs. 1(1), **2(2)**
- F86** Word in reg. 8(2)(b) substituted (2.10.1988) by virtue of The Social Security (Credits) Amendment (No. 2) Regulations 1988 (S.I. 1988/1230), regs. 1(1), **2(3)(b)** (with reg. 3(2))
- F87** Reg. 8(2)(c) inserted (2.10.1988) by The Social Security (Credits) Amendment (No. 2) Regulations 1988 (S.I. 1988/1230), regs. 1(1), **2(3)(c)** (with reg. 3(2))

### [<sup>F88</sup>Credits for unemployment

**8A.—(1)** <sup>F89</sup>...for the purposes of entitlement to any benefit by virtue of a person's earnings or contributions, he shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week to which this regulation applies.

(2) Subject to paragraph (5) this regulation applies to a week which, in relation to the person concerned, is—

- (a) a week for the whole of which he was paid a jobseeker's allowance; or
- [<sup>F90</sup>(b) a week for the whole of which the person in relation to old style JSA—
- (i) satisfied or was treated as having satisfied the conditions set out in paragraphs (a), (c) and (e) to (h) of section 1(2) of the Jobseekers Act 1995 (conditions for entitlement to a jobseeker's allowance); and
- (ii) satisfied the further condition specified in paragraph (3) below; or]
- [ a week for the whole of which the person in relation to new style JSA—
- <sup>F90</sup>(ba) (i) satisfied or was treated as having satisfied the conditions set out in paragraphs (e) to (h) of section 1(2) of the Jobseekers Act 1995 (conditions for entitlement to a jobseeker's allowance);
- (ii) satisfied or was treated as having satisfied the work-related requirements under section 6D and 6E of the Jobseekers Act 1995 (work search and work availability requirements); and
- (iii) satisfied the further condition specified in paragraph (3) below; or]
- (c) a week which would have been a week described in sub-paragraph (b) [<sup>F91</sup>or (ba)] but for the fact that he was incapable of work [<sup>F92</sup>or had limited capability for work] for part of it [<sup>F93</sup>or]
- (d) [<sup>F93</sup>a week in respect of which he would have been paid a jobseeker's allowance but for a restriction imposed pursuant to <sup>F94</sup>... [<sup>F95</sup>section [<sup>F96</sup>6B,] 7, 8 or 9 of the Social Security Fraud Act 2001] (loss of benefit provisions)]

(3) The further condition referred to in paragraph (2)(b) [<sup>F97</sup>and (ba)] is that the person concerned

- (a) furnished to the Secretary of State notice in writing of the grounds on which he claims to be entitled to be credited with earnings—
- (i) on the first day of the period for which he claims to be so entitled in which the week in question fell; or
- (ii) within such further time as may be reasonable in the circumstances of the case; and

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(b) has provided any evidence required by the Secretary of State that the conditions referred to in paragraph (2)(b) [F98 or the conditions and requirements in paragraph (2)(ba)] are satisfied.

F99(4) .....

(5) This regulation shall not apply to—

(a) a week in respect of which the person concerned was not entitled to a jobseeker’s allowance (or would not have been if he had claimed it) because of section 14 of the Jobseekers Act 1995 (trade disputes); or

(b) a week in respect of which, in relation to the person concerned, there was in force a direction under section 16 of that Act (which relates to persons who have reached the age of 16 but not the age of 18 and who are in severe hardship); or

[ F101 ..... ]  
F100(ba)

[F102(c) a week in respect of which, in relation to the person concerned—

(i) an old style JSA was reduced in accordance with section 19 or 19A, or regulations made under section 19B, of the Jobseekers Act 1995; or

(ii) a new style JSA was reduced in accordance with section 6J or 6K of the Jobseekers Act 1995; or]

[ F101 ..... ]  
F103(cc)

(d) a week in respect of which a jobseeker’s allowance was payable to the person concerned only by virtue of regulation 141 of the Jobseeker’s Allowance Regulations 1996 (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship); or

[ a week in respect of which a joint-claim jobseeker’s allowance was payable in respect of  
F104(dd) a joint-claim couple of which the person is a member only by virtue of regulation 146C of the Jobseeker’s Allowance Regulations 1996 (circumstances in which a joint-claim jobseeker’s allowance is payable where a joint-claim couple is a couple in hardship);]

[ a week where paragraph (2)(b), (ba) or (c) apply and the person concerned was entitled to  
F105(de) universal credit for any part of that week; or]

(e) where the person concerned is a married woman, a week in respect of any part of which an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act had effect.

[F106(6) In this regulation—

“new style JSA” means a jobseeker’s allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance;

“old style JSA” means a jobseeker’s allowance under the Jobseekers Act 1995 as it has effect apart from the amendments made by Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance.]

**Textual Amendments**

F88 Reg. 8A - Reg. 8B inserted (7.10.1996) by [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, 2(6) (with reg. 4)



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- F89** Words in reg. 8A(1) omitted (6.4.2001) by virtue of The Social Security (Incapacity Benefit) Miscellaneous Amendments Regulations 2000 (S.I. 2000/3120), regs. 1, **4(a)** (with reg. 6)
- F90** Reg. 8A(2)(b)(ba) substituted for reg. 8A(2)(b) (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(a)**
- F91** Words in reg. 8A(2)(c) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(b)**
- F92** Words in reg. 8A(2)(c) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **48(5)**
- F93** Reg. 8A(2)(d) and word added (15.10.2001) by The Social Security (Breach of Community Order) (Consequential Amendments) Regulations 2001 (S.I. 2001/1711), regs. 1, **2(5)**
- F94** Words in reg. 8A(2)(d) omitted (2.4.2010) by virtue of The Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), regs. 1(4), **2**
- F95** Words in reg. 8A(2)(d) inserted (1.4.2002) by The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **3(b)**
- F96** Word in reg. 8A(2)(d) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **13(3)**
- F97** Words in reg. 8A(3) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(c)**
- F98** Words in reg. 8A(3)(b) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(d)**
- F99** Reg. 8A(4) omitted (29.10.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **3**
- F100** Reg. 8A(5)(ba) inserted (25.4.2011) by The Jobseekers Allowance (Mandatory Work Activity Scheme) Regulations 2011 (S.I. 2011/688), regs. 1, **17(4)**
- F101** Reg. 8A(5)(c) substituted for reg. 8A(5)(ba)-(cc) (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **9**
- F102** Reg. 8A(5)(c) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(e)**
- F103** Reg. 8A(5)(cc) inserted (19.3.2001) by The Social Security Amendment (Joint Claims) Regulations 2001 (S.I. 2001/518), regs. 1(1), **3(a)**
- F104** Reg. 8A(5)(dd) inserted (19.3.2001) by The Social Security Amendment (Joint Claims) Regulations 2001 (S.I. 2001/518), regs. 1(1), **3(b)**
- F105** Reg. 8A(5)(de) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(f)**
- F106** Reg. 8A(6) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **70(4)(g)**

#### Modifications etc. (not altering text)

- C3** Reg. 8A(5) modified (22.11.2010) by The Jobseekers Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010 (S.I. 2010/1222), regs. 1(2), **19(4)**

#### Credits for incapacity for work [<sup>F107</sup>or limited capability for work]

**8B.**—(1) <sup>F108</sup> ... For the purposes of entitlement to any benefit by virtue of a person's earnings or contributions, he shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week to which this regulation applies.

(2) Subject to paragraphs [<sup>F109</sup>(2A),] (3) and (4) this regulation applies to—

[<sup>F110</sup>(a) a week in which, in relation to the person concerned, each of the days—

- (i) was a day of incapacity for work under section 30C of the Contributions and Benefits Act (incapacity benefit: days and periods of incapacity for work); or



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- (ii) would have been such a day had the person concerned claimed short-term incapacity benefit or maternity allowance within the prescribed time; or
- (iii) was a day of incapacity for work for the purposes of statutory sick pay under section 151 of the Contributions and Benefits Act and fell within a period of entitlement under section 153 of that Act; or
- (iv) was a day of limited capability for work for the purposes of Part 1 of the Welfare Reform Act (limited capability for work) or would have been such a day had the person concerned been entitled to an employment and support allowance by virtue of section 1(2)(a) of the Welfare Reform Act; or
- [<sup>F111</sup>(iva) would have been a day of limited capability for work for the purposes of Part 1 of the Welfare Reform Act (limited capability for work) where the person concerned would have been entitled to an employment and support allowance but for the application of section 1A of that Act; or]
- (v) would have been a day of limited capability for work for the purposes of Part 1 of the Welfare Reform Act (limited capability for work) had that person claimed an employment and support allowance or maternity allowance within the prescribed time;]

<sup>F112</sup>(aa) .....

- [<sup>F113</sup>(b) a week for any part of which an unemployability supplement or allowance was payable by virtue of—
  - (i) Schedule 7 to the Contributions and Benefits Act;
  - (ii) [<sup>F114</sup>Article 12 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006;]
  - (iii) Article 18 of the Personal Injuries (Civilians) Scheme 1983.]

[<sup>F115</sup>(2A) This regulation shall not apply to a week where—

- (a) under paragraph (2)(a)(i) the person concerned was not entitled to incapacity benefit, severe disablement allowance or maternity allowance;
- (b) paragraph (2)(a)(ii), (iva) or (v) apply; or
- (c) under paragraph (2)(a)(iv) the person concerned was not entitled to an employment and support allowance by virtue of section 1(2)(a) of the Welfare Reform Act,

and the person concerned was entitled to universal credit for any part of that week.]

(3) Where the person concerned is a married woman, this regulation shall not apply to a week in respect of any part of which an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act had effect.

- (4) A day shall not be a day to which paragraph (2)(a) applies unless the person concerned has—
  - (a) before the end of the benefit year immediately following the year in which that day fell; or
  - (b) within such further time as may be reasonable in the circumstances of the case, furnished to the Secretary of State notice in writing of the grounds on which he claims to be entitled to be credited with earnings.]

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### Textual Amendments

- F88** Reg. 8A - Reg. 8B inserted (7.10.1996) by [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, **2(6)** (with reg. 4)
- F107** Words in reg. 8B heading inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **48(6)(a)**
- F108** Words in reg. 8B(1) repealed (6.4.2001) by [The Social Security \(Incapacity Benefit\) Miscellaneous Amendments Regulations 2000 \(S.I. 2000/3120\)](#), **reg. 4(b)**
- F109** Word in reg. 8B(2) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **70(5)(a)**
- F110** Reg. 8B(2)(a) substituted (6.4.2010) by [The Social Security \(Credits\) \(Amendment\) Regulations 2010 \(S.I. 2010/385\)](#), regs. 1, **2(2)(a)**
- F111** Reg. 8B(2)(a)(iva) inserted (1.5.2012) by [The Employment and Support Allowance \(Duration of Contributory Allowance\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/913\)](#), regs. 1(2), **2**
- F112** Reg. 8B(2)(aa) omitted (6.4.2010) by virtue of [The Social Security \(Credits\) \(Amendment\) Regulations 2010 \(S.I. 2010/385\)](#), regs. 1, **2(2)(b)**
- F113** Reg. 8B(2)(b) substituted (6.4.2003) by [The Social Security \(Credits\) Amendment Regulations 2003 \(S.I. 2003/521\)](#), regs. 1, **2(2)(b)**
- F114** Reg. 8B(2)(b)(ii) substituted (6.4.2010) by [The Social Security \(Credits\) \(Amendment\) Regulations 2010 \(S.I. 2010/385\)](#), regs. 1, **2(2)(c)**
- F115** Reg. 8B(2A) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **70(5)(b)**

### [<sup>F116</sup>Credits on termination of bereavement benefits

**8C.**—(1) This regulation applies for the purpose only of enabling a person who previously received a bereavement benefit (“the recipient”) to satisfy, as the case may be, the condition referred to in—

- (a) paragraph 2(3)(b) of Schedule 3 to the Contributions and Benefits Act in relation to short-term incapacity benefit; <sup>F117</sup> ...
- (b) section 2(1)(b) of the Jobseekers Act 1995 in relation to contribution-based jobseeker’s allowance<sup>F118</sup>; or]

[ paragraph 2(1) of Schedule 1 to the Welfare Reform Act in relation to a contributory <sup>F118</sup>(c) employment and support allowance.]

(2) For every year up to and including that in which the recipient ceased to be entitled to a bereavement benefit otherwise than by reason of remarriage<sup>F119</sup>, forming a civil partnership,] or living together with a person of the opposite sex as husband and wife, the recipient shall be credited with such earnings as may be required to enable the condition referred to above to be satisfied.]

### Textual Amendments

- F116** Reg. 8C inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **3(7)**
- F117** Word in reg. 8C(1)(a) omitted (27.10.2008) by virtue of [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **48(7)(a)**
- F118** Reg. 8C(1)(c) added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **48(7)(b)**

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**F119** Words in reg. 8C(2) inserted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 4(4)** (with art. 3)

## <sup>F120</sup> Credits for the purposes of entitlement to incapacity benefit following official error

**8D.**—(1) This regulation applies for the purpose only of enabling a person who was previously entitled to incapacity benefit to satisfy the condition referred to in paragraph 2(3)(a) of Schedule 3 to the Contributions and Benefits Act in respect of a subsequent claim for incapacity benefit where his period of incapacity for work is, together with a previous period of incapacity for work, to be treated as one period of incapacity for work under section 30C of that Act.

(2) Where—

- (a) a person was previously entitled to incapacity benefit;
- (b) the award of incapacity benefit was as a result of satisfying the condition referred to in paragraph (1) by virtue of being credited with earnings for incapacity for work or approved training in the tax years from 1993-94 to 2007-08;
- (c) some or all of those credits were credited by virtue of official error derived from the failure to transpose correctly information relating to those credits from the Department for Work and Pensions' Pension Strategy Computer System to Her Majesty's Revenue and Customs' computer system (NIRS2) or from related clerical procedures;
- (d) that person makes a further claim for incapacity benefit; and
- (e) his period of incapacity for work is, together with the period of incapacity for work to which his previous entitlement referred to in sub-paragraph (a) related, to be treated as one period of incapacity for work under section 30C of the Contributions and Benefits Act,

that person shall be credited with such earnings as may be required to enable the condition referred to in paragraph (1) to be satisfied.

(3) In this regulation and in regulations 8E and 8F, “official error” means an error made by—

- (a) an officer of the Department for Work and Pensions or an officer of Revenue and Customs acting as such which no person outside the Department or Her Majesty's Revenue and Customs caused or to which no person outside the Department for Work and Pensions or Her Majesty's Revenue and Customs materially contributed; or
- (b) a person employed by a service provider and to which no person who was not so employed materially contributed,

but excludes any error of law which is shown to have been an error by virtue of a subsequent decision of a Commissioner or the court.

(4) In paragraph (3)—

“Commissioner” means the Chief Social Security Commissioner or any other Social Security Commissioner and includes a tribunal of three or more Commissioners constituted under section 16(7) of the Social Security Act 1998;

“service provider” means a person providing services to the Secretary of State for Work and Pensions or to Her Majesty's Revenue and Customs.

### Textual Amendments

**F120** Regs. 8D-8F inserted (1.10.2007) by [The Social Security \(National Insurance Credits\) Amendment Regulations 2007 \(S.I. 2007/2582\)](#), regs. 1, 2

### Credits for the purposes of entitlement to retirement pension following official error

**8E.**—(1) This regulation applies for the purpose only of enabling the condition referred to in paragraph 5(3)(a) of Schedule 3 to the Contributions and Benefits Act to be satisfied in respect of a claim for retirement pension made by a person (“the claimant”)—

- (a) who would attain pensionable age no later than 31st May 2008;
- (b) not falling within sub-paragraph (a) but based on the satisfaction of that condition by another person—
  - (i) who would attain, or would have attained, pensionable age no later than 31st May 2008; or
  - (ii) in respect of whose death the claimant received a bereavement benefit.

(2) Where—

- (a) a person claims retirement pension;
- (b) the satisfaction of the condition referred to in paragraph (1) would be based on earnings credited for incapacity for work or approved training in the tax years from 1993-94 to 2007-08; and
- (c) some or all of those credits were credited by virtue of official error derived from the failure to transpose correctly information relating to those credits from the Department for Work and Pensions’ Pension Strategy Computer System to Her Majesty’s Revenue and Customs’ computer system (NIRS2) or from related clerical procedures,

those earnings shall be credited.

(3) In this regulation, “bereavement benefit” means a bereavement allowance, a widowed mother’s allowance, a widowed parent’s allowance or a widow’s pension.

#### Textual Amendments

**F120** Regs. 8D-8F inserted (1.10.2007) by [The Social Security \(National Insurance Credits\) Amendment Regulations 2007 \(S.I. 2007/2582\)](#), regs. 1, 2

### Credits for the purposes of entitlement to contribution-based jobseeker’s allowance following official error

**8F.**—(1) This regulation applies for the purpose only of enabling a person to satisfy the condition referred to in section 2(1)(b) of the Jobseekers Act 1995.

(2) Where—

- (a) a person claims a jobseeker’s allowance;
- (b) the satisfaction of the condition referred to in paragraph (1) would be based on earnings credited for incapacity for work or approved training in the tax years from 1993-94 to 2007-08; and
- (c) some or all of those credits were credited by virtue of official error derived from the failure to transpose correctly information relating to those credits from the Department for Work and Pensions’ Pension Strategy Computer System to Her Majesty’s Revenue and Customs’ computer system (NIRS2) or from related clerical procedures,

that person shall be credited with those earnings.]

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**Textual Amendments**

**F120** Regs. 8D-8F inserted (1.10.2007) by [The Social Security \(National Insurance Credits\) Amendment Regulations 2007 \(S.I. 2007/2582\)](#), regs. 1, 2

**[<sup>F121</sup>Credits for persons entitled to universal credit**

**8G.**—(1) For the purposes of entitlement to a benefit to which this regulation applies, a person shall be credited with a Class 3 contribution in respect of a week if that person is entitled to universal credit under Part 1 of the Welfare Reform Act 2012 for any part of that week.

- (2) This regulation applies to—
- (a) a Category A retirement pension;
  - (b) a Category B retirement pension;
  - (c) a widowed parent’s allowance;
  - (d) a bereavement allowance.]

**Textual Amendments**

**F121** [Reg. 8G](#) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **70(6)**

**Credits for unemployment or incapacity for work**

**<sup>F122</sup>9.** . . . . .

**Textual Amendments**

**F122** [Reg. 9](#) revoked (6.4.2001) by [The Social Security \(Incapacity Benefit\) Miscellaneous Amendments Regulations 2000 \(S.I. 2000/3120\)](#), **reg. 1**, 4(c)

**[<sup>F123</sup>Credits for persons approaching pensionable age**

**9A.**—(1) For the purposes of entitlement to any benefit by virtue of a person’s earnings or contributions [<sup>F124</sup>a person to whom this regulation applies] 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.

[<sup>F125</sup>(1A) This regulation applies to a man born before 6th October 1954 but who has not attained the age of 65.]

- (2) [<sup>F126</sup>This regulation shall apply to—
- (a) the tax year in which a man attains the age which is pensionable age in the case of a woman born on the same day as that man; and
  - (b) to any succeeding tax year,

but not including the tax year in which he attains the age of 65 or any subsequent tax year.]

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

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- (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),

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.

<sup>F127</sup>(4) .....

(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.]

**Textual Amendments**

**F123** Reg. 9A substituted (8.8.1994) by [The Social Security \(Credits\) Amendment Regulations 1994 \(S.I. 1994/1837\)](#), regs. 1(1), **3**

**F124** Words in reg. 9A(1) substituted (6.4.2010) by [The Social Security \(State Pension and National Insurance Credits\) Regulations 2009 \(S.I. 2009/2206\)](#), regs. 1(3), **30(2)**

**F125** Reg. 9A(1A) inserted (6.4.2010) by [The Social Security \(State Pension and National Insurance Credits\) Regulations 2009 \(S.I. 2009/2206\)](#), regs. 1(3), **30(3)**

**F126** Reg. 9A(2) substituted (6.4.2010) by [The Social Security \(State Pension and National Insurance Credits\) Regulations 2009 \(S.I. 2009/2206\)](#), regs. 1(3), **30(4)**

**F127** Reg. 9A(4) omitted (7.10.1996) by virtue of [The Social Security \(Credits and Contributions\) \(Jobseekers Allowance Consequential and Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2367\)](#), regs. 1, **2(8)** (with reg. 4)

**[<sup>F128</sup>Credits for jury service**

**9B.**—(1) Subject to paragraphs (2) and (3), for the purposes of entitlement to any benefit [<sup>F129</sup>by virtue of a person`s earnings or contributions] he shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week for any part of which he attended at Court for jury service.

(2) A person shall be entitled to be credited with earnings in respect of a week by virtue of the provisions of this regulation only if—

- (a) his earnings in respect of that week from any employment of his as an employed earner are below the lower earnings limit then in force; and
- (b) he furnished to the Secretary of State notice in writing of his claim to be entitled to be credited with earnings and did so before the end of the benefit year immediately following the tax year in which that week or part of that week fell or within such further time as may be reasonable in the circumstances of his case.

(3) Paragraph (1) shall not apply—

- (a) to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under Regulations made under section 3(2) of the Social Security Pensions Act 1975 had effect; or
- (b) in respect of any week falling wholly or partly within a year commencing before 6th April 1988 [<sup>F130</sup>or]

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[ to a person in respect of any week in any part of which he is a self-employed earner.]]  
F130(c)

#### Textual Amendments

- F128** Reg. 9B inserted (6.4.1988) by [The Social Security \(Credits\) Amendment Regulations 1988 \(S.I. 1988/516\)](#), regs. 1(1), **2(3)**
- F129** Words in reg. 9B substituted (2.10.1988) by [The Social Security \(Credits\) Amendment \(No. 4\) Regulations 1988 \(S.I. 1988/1545\)](#), regs. 1(1), **2(5)(f)**
- F130** Reg. 9B(3)(c) added (8.8.1994) by [The Social Security \(Credits\) Amendment Regulations 1994 \(S.I. 1994/1837\)](#), regs. 1(1), **4**

[<sup>F131</sup>[<sup>F132</sup>**Credits for adoption pay period, additional paternity pay period and maternity pay period**]

- 9C.**—(1) For the purposes of entitlement to any benefit by virtue of—
- (a) in the case of a person referred to in paragraph (2)(a) [<sup>F133</sup>or (aa)], that person’s earnings or contributions;
  - (b) in the case of a woman referred to in paragraph (2)(b), her earnings or contributions,
- that person or that woman, as the case may be, shall be entitled to be credited with earnings equal to the lower earnings limit then in force in respect of each week to which this regulation applies.
- (2) Subject to paragraphs (3) and (4), this regulation applies to each week during—
- (a) the adoption pay period in respect of which statutory adoption pay was paid to a person; or
  - [<sup>F134</sup>(aa) the additional paternity pay period in respect of which additional statutory paternity pay was paid to a person; or]
  - (b) the maternity pay period in respect of which statutory maternity pay was paid to a woman.
- (3) A person or woman referred to above shall be entitled to be credited with earnings in respect of a week by virtue of this regulation only if he or she—
- (a) furnished to the Secretary of State notice in writing of his or her claim to be entitled to be credited with earnings; and
  - (b) did so—
    - (i) before the end of the benefit year immediately following the tax year in which that week began, or
    - (ii) within such further time as may be reasonable in the circumstances of his or her case.
- (4) This regulation shall not apply to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act had effect.
- (5) In this regulation “adoption pay period”, [<sup>F135c</sup>“additional paternity pay period”,] “maternity pay period”, “statutory adoption pay” [<sup>F136</sup>“additional statutory paternity pay”] and “statutory maternity pay” have the same meaning as in the Contributions and Benefits Act.]

#### Textual Amendments

- F131** Reg. 9C substituted (6.4.2003) by [The Social Security \(Credits\) Amendment Regulations 2003 \(S.I. 2003/521\)](#), regs. 1, **2(3)**



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- F132** Regulation 9C heading substituted (5.4.2012) by [The Social Security \(Credits\) \(Amendment\) Regulations 2012 \(S.I. 2012/766\)](#), regs. 1(1), **2(2)**
- F133** Words in reg. 9C(1)(a) inserted (5.4.2012) by [The Social Security \(Credits\) \(Amendment\) Regulations 2012 \(S.I. 2012/766\)](#), regs. 1(1), **2(3)**
- F134** Reg. 9C(2)(aa) inserted (5.4.2012) by [The Social Security \(Credits\) \(Amendment\) Regulations 2012 \(S.I. 2012/766\)](#), regs. 1(1), **2(4)**
- F135** Words in reg. 9C(5) inserted (5.4.2012) by [The Social Security \(Credits\) \(Amendment\) Regulations 2012 \(S.I. 2012/766\)](#), regs. 1(1), **2(5)(a)**
- F136** Words in reg. 9C(5) inserted (5.4.2012) by [The Social Security \(Credits\) \(Amendment\) Regulations 2012 \(S.I. 2012/766\)](#), regs. 1(1), **2(5)(b)**

### [<sup>F137</sup>Credits for certain periods of imprisonment or detention in legal custody

**9D.**—(1) Subject to paragraphs (2) and (4), for the purposes of entitlement to any benefit by virtue of a person's earnings or contributions, where—

- (a) a person is imprisoned or otherwise detained in legal custody by reason of his conviction of an offence or convictions in respect of 2 or more offences;
- (b) that conviction or, as the case may be, each of those convictions is subsequently quashed by the Crown Court, the Court of Appeal or the High Court of Justiciary; and
- (c) he is released from that imprisonment or detention, whether prior, or pursuant, to the quashing of that conviction or, as the case may be, each of those convictions,

that person shall, if he has made an application in writing to the Secretary of State for the purpose, be entitled to be credited with earnings or, in the case of any year earlier than 1987–88, contributions, in accordance with paragraph (3).

(2) Paragraph (1) shall not apply in respect of any period during which the person was also imprisoned or otherwise detained in legal custody for reasons unconnected with the conviction or convictions referred to in that paragraph.

(3) The earnings or, as the case may be, the contributions referred to in paragraph (1) are, in respect of any week in any part of which the person was—

- (a) detained in legal custody—
  - (i) prior to the conviction or convictions referred to in that paragraph, but,
  - (ii) for the purposes of any proceedings in relation to any offence referred to in subparagraph (a) of that paragraph; or
- (b) imprisoned or otherwise detained in legal custody by reason of that conviction or those convictions,

those necessary for the purpose of bringing his earnings factor, for the year in which such a week falls, to the level required to make that year a reckonable year.

(4) Subject to paragraph (5), paragraph (1) shall not apply to a woman in respect of any week referred to in paragraph (3) in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act had effect.

(5) Paragraph (4) shall not apply to any woman—

- (a) who was imprisoned or otherwise detained in legal custody as referred to in paragraph (3) for a continuous period which included 2 complete years; and
- (b) whose election ceased to have effect in accordance with regulation 101(1)(c) of the Social Security (Contributions) Regulations 1979 (which provides for an election to cease to have

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effect at the end of 2 consecutive years which began on or after 6th April 1978 during which the woman is not liable for primary Class 1 or Class 2 contributions).

(6) An application referred to in paragraph (1) may be transmitted by electronic means.]

#### Textual Amendments

**F137** Reg. 9D inserted (26.3.2001) by [The Social Security \(Credits and Incapacity Benefit\) Amendment Regulations 2001 \(S.I. 2001/573\)](#), regs. 1(a), 2

#### [<sup>F138</sup> Credits for certain spouses and civil partners of members of Her Majesty's forces

**9E.**—(1) For the purposes of entitlement to any benefit by virtue of a person's earnings or contributions, that person shall, subject to the following paragraphs, be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week to which paragraph (2) applies.

(2) This paragraph applies to each week for any part of which the person is—

- (a) the spouse or civil partner of a member of Her Majesty's forces or treated as such by the Secretary of State for the purposes of occupying accommodation, and
- (b) accompanying the member of Her Majesty's forces on an assignment outside the United Kingdom or treated as such by the Secretary of State.

(3) A person referred to in paragraph (2) shall be entitled to be credited with earnings in respect of a week by virtue of this regulation only if that person has made an application to the Secretary of State for the purpose.

(4) An application under paragraph (3) must—

- (a) be properly completed and on a form approved by the Secretary of State, or in such manner as the Secretary of State accepts as sufficient in the particular circumstances, and
- (b) include—
  - (i) a statement confirming that the conditions referred to in paragraph (2) are met and signed by or on behalf of the Defence Council or a person authorised by them, and
  - (ii) such other information as the Secretary of State may require.

(5) An application under paragraph (3) is to be made—

- (a) once the end date of the assignment referred to in paragraph (2) has been confirmed, or
- (b) at such earlier time as the Secretary of State is prepared to accept in the particular circumstances of the case.

(6) An application made in accordance with paragraph (5)(a) must be made before the end of the tax year immediately following the tax year in which the assignment referred to in paragraph (2) ended, or within such further time as may be reasonable in the circumstances of the case.

(7) Where the Secretary of State accepts an application in accordance with paragraph (5)(b), this regulation entitles the person referred to in paragraph (2) to be credited with earnings in respect of any week subsequent to that application only if that person has made a further application to the Secretary of State in accordance with paragraphs (3) to (6).

(8) This regulation shall not apply—

- (a) to a person in respect of any week where the person is entitled to be credited with earnings under regulation 7A, 8A or 8B in respect of the same week;

- (b) to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 19(4) of the Contributions and Benefits Act had effect; or
- (c) in respect of any week commencing before 6th April 2010.]

#### Textual Amendments

**F138** Reg. 9E added (6.4.2010) by [The Social Security \(Credits\) \(Amendment\) Regulations 2010 \(S.I. 2010/385\)](#), regs. 1, **2(3)**

#### [<sup>F139</sup>Credits for persons providing care for a child under the age of 12

**9F.**—(1) Subject to paragraphs (2), (5) and (6), the contributor concerned in the case of a benefit listed in paragraph (3) shall be credited with a Class 3 contribution for each week (“the relevant week”) falling after 6th April 2011 during which that contributor satisfied the conditions in paragraph (4).

(2) Contributions shall only be credited in so far as is necessary to enable the contributor concerned to satisfy—

- (a) in relation to a Category A or Category B retirement pension, the contribution condition specified in paragraph 5A(2) of Schedule 3 to the Contributions and Benefits Act;
- (b) in relation to a widowed parent’s allowance or bereavement allowance, the second contribution condition specified in paragraph 5(3) of Schedule 3 to the Contributions and Benefits Act.

(3) This regulation applies to the following benefits—

- (a) a Category A retirement pension in a case where the contributor concerned attains pensionable age on or after 6th April 2012;
- (b) a Category B retirement pension payable by virtue of section 48A of the Contributions and Benefits Act 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 of that Act in a case where the contributor concerned dies on or after that date without having attained pensionable age before that date;
- (d) a widowed parent’s allowance payable in a case where the contributor concerned dies on or after that date;
- (e) a bereavement allowance payable in a case where the contributor concerned dies on or after that date.

(4) The conditions are that in the relevant week the contributor concerned—

- (a) provided care in respect of a child under the age of 12;
- (b) is, in relation to that child, a person specified in the Schedule (other than a person who is a relevant carer for the purposes of section 23A of the Contributions and Benefits Act); and
- (c) was ordinarily resident in Great Britain.

(5) Only one contributor may be credited with Class 3 contributions under this Regulation in respect of any relevant week.

(6) The contributor concerned shall not be credited with Class 3 contributions by virtue of paragraph (1) unless—

- (a) a person other than that contributor satisfies the conditions in paragraph (7); and

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- (b) an application to the Secretary of State to be so credited is made in accordance with paragraph (8).
- (7) The conditions are that—
  - (a) child benefit was awarded to that other person in relation to the child for whom, and in respect of the week in which, child care was provided by the contributor concerned; and
  - (b) the aggregate of that other person's earnings factors, [F140 other than where those earnings factors are derived from Class 3 contributions credited by virtue of section 23A(2) and (3) (a) of the Contributions and Benefits Act (crediting of contributions for a person awarded child benefit in respect of a child under 12)], exceed the qualifying earnings factor for the year in which the relevant week falls.
- (8) An application under paragraph (6)(b) must—
  - (a) include the name and date of birth of the child cared for;
  - (b) where requested by the Secretary of State or the Commissioners for Her Majesty's Revenue and Customs, include a declaration by the person awarded child benefit in respect of that child that the conditions in paragraph (4) are satisfied;
  - (c) specify the relevant week or weeks in which the child was cared for; and
  - (d) be received after the end of the tax year in which a week, which is the subject of the application, falls.
- (9) In this regulation, "the contributor concerned" has the meaning given in section 21(5)(a) of the Contributions and Benefits Act.]

#### Textual Amendments

**F139** Reg. 9F inserted (5.4.2011) by [The National Insurance Contributions Credits \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/709\)](#), regs. 1, **2(3)**

**F140** Words in reg. 9F(7)(b) substituted (1.12.2012) by [The Social Security \(Credits\) \(Amendment\) \(No. 2\) Regulations 2012 \(S.I. 2012/2680\)](#), regs. 1, **2(2)**

#### Transitional provisions

- 10.**—[F141(1) Subject to paragraph (3), where—
- (a) a person's entitlement to unemployment benefit, sickness benefit or maternity grant falls to be determined by reference to the contribution conditions contained in the 1965 Act; and
  - (b) the last complete contribution year for the purposes of those conditions for the contributor concerned is—
    - (i) the year in which he attained the age of 17 or any previous year; or
    - (ii) a year after the year in which he attained that age but which is not later than the year in which he entered insurance under that Act;

he shall be credited with such number of contributions of the appropriate class under that Act as will enable him to satisfy the condition in paragraph 1(b) or, as the case may be, 2(b) of Schedule 2 to that Act.

- (2) Paragraph (1) shall not apply in relation to—
  - (a) unemployment benefit or sickness benefit for any day which is part of a continuous period for each day of which he was entitled to unemployment benefit or as the case may be sickness benefit which commenced on or before 5th April 1975 and for this purpose Sunday, or the day substituted for Sunday in his case, shall be disregarded;

(b) maternity grant where the expected week of confinement commenced before 23rd June 1975.

(3) Where—

(a) a woman's entitlement to maternity allowance falls to be determined by reference to the contribution conditions in the 1965 Act;

(b) the maternity allowance period for the purposes of section 22 commenced on or after 6th April 1975; and

(c) the period to be taken into account for the purposes of the contribution conditions—

(i) terminated not later than the day on which she attained the age of 17; or

(ii) terminated after that day and included the date on which she first entered insurance or fell wholly before that date;

she shall be credited with such number of contributions of the appropriate class under that Act as will enable her to satisfy the contribution conditions in paragraph 3 of Schedule 2 to that Act.

(4) Contributions paid under the 1975 Act shall be taken into account for the purposes of paragraph (5)(a)(ii) of regulation 10 and of regulation 15(3) of the National Insurance (Contributions) Regulations 1969, as amended.

(5) The provisions of the said paragraph (5) shall apply for the purposes of maternity allowance as they apply for the purposes of sickness benefit.

(6) Where a person is entitled to credits by virtue of sub-paragraph (b) of paragraph (4) of the said regulation 10 and the course of training to which that sub-paragraph refers continues after 5th April 1975, he shall be entitled to a Class 1 credit for each week in any part of which the course continued; so however that the foregoing provisions of this paragraph shall not apply to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 130(2) had effect.

(7) In the application of regulation 7 to a case where the course began in the period from 6th April 1975 to 5th April 1978 (inclusive of both dates), the requirements of paragraph (2)(a) of that regulation shall be deemed to be satisfied if—

(a) where the course began in the tax year commencing on 6th April 1975, he had paid or been credited with 104 contributions under the 1965 Act as an employed or self-employed person in the period beginning with the first day of the first contribution year relevant to him under the 1965 Act which commenced after 1st June 1971 and ending with 5th April 1975;

(b) where the course began in the tax year commencing on 6th April 1976, he had paid or been credited with 104 contributions under the 1965 Act as an employed or self-employed person in the period beginning with the first day of the first contribution year relevant to him under the 1965 Act which commenced after 1st June 1972 and ending with 5th April 1976;

(c) where the course began in the tax year commencing on 6th April 1977, he had paid or been credited with 104 contributions under the 1965 Act as an employed or self-employed person in the period beginning with the first day of the first contribution year relevant to him under the 1965 Act which commenced after 1st June 1973 and ending with 5th April 1977,

and for the purposes of sub-paragraph (b) and (c) of this paragraph contributions paid by or credited to him under the 1975 Act shall be taken into account.

(8) Where—

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(a) a person's education, apprenticeship or training to which paragraph (3) of regulation 10 of the National Insurance (Contributions) Regulations 1969 applied had not terminated before 6th April 1975;

(b) he had paid or been credited with the 104 contributions mentioned in that paragraph;

for the purposes of his entitlement to unemployment benefit or sickness benefit he shall for the relevant past year be entitled to such number of Class 1 credits in respect of a week which equals the number of Class 3 contributions he paid in respect of that year so however that this paragraph shall not apply to any relevant past year after the year in which the education, apprenticeship or training terminated.

(9) Where any contributions paid by or as the case may be credited to a person under the 1975 Act are to be taken into account under paragraph (4), (5) or (7) they shall be taken as such number of contributions of the appropriate class as results from dividing the earnings factor derived from contributions of the relevant class paid by or as the case may be credited to him under the 1975 Act in any year or part of a year before the relevant time by the lower earnings limit for that year, and if that is not a whole number any fraction shall be disregarded.

(10) In this regulation—

(a) “the 1965 Act” means the National Insurance Act 1965;

(b) “the 1975 Act” means the Social Security Act 1975.]

#### **Textual Amendments**

**F141** Reg. 10 revoked (6.4.1987) by [The Social Security \(Credits\) Amendment Regulations 1987 \(S.I. 1987/414\)](#), regs. 1(1), **10** (with reg. 11)

Signed by authority of the Secretary of State for Social Services,

*Brian O'Malley*  
Minister of State  
Department of Health and Social Security

**[<sup>F142</sup>SCHEDULE**

Regulation 9F(4)(b)

Persons who may qualify as carers for a child under the age of 12

**Textual Amendments**

**F142** Sch. inserted (5.4.2011) by [The National Insurance Contributions Credits \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/709\)](#), regs. 1, **2(4)**

- 1.—(1) Parent.
  - (2) Grandparent.
  - (3) Great-grandparent.
  - (4) Great-great-grandparent.
  - (5) Sibling.
  - (6) Parent’s sibling.
  - (7) Spouse or former spouse of any of the persons listed in sub-paragraphs (1) to (6).
  - (8) Civil partner or former civil partner of any of the persons listed in sub-paragraphs (1) to (6).
  - (9) Partner or former partner of any of the persons listed in sub-paragraphs (1) to (8).
  - (10) Son or daughter of persons listed in sub-paragraphs (5) to (9).
  - (11) In respect of the son or daughter of a person listed in sub-paragraph (6), that person’s—
    - (a) spouse or former spouse;
    - (b) civil partner or former civil partner; or
    - (c) partner or former partner.
2. For the purposes of paragraph 1(5) and (6), a sibling includes a sibling of the half blood, a step sibling and an adopted sibling.
3. For the purposes of paragraph 1(9) and (11)(c), a partner is the other member of a couple consisting of—
  - (a) a man and woman who are not married to each other but are living together as husband and wife; or
  - (b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.]

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**EXPLANATORY NOTE**

These Regulations provide for the crediting of contributions under the Social Security Act 1975. The Regulations provide: for credits for certain young people and others who were not insured under the National Insurance Act 1965 (regulation 4, 5 and 6); for credits for certain persons undergoing approved training or completing full-time education, training or apprenticeship (regulations 7 and



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8); and for credits for periods of unemployment or incapacity for work in certain cases (regulation 9). The regulations also contain certain transitional provisions (regulation 10).

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