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STATUTORY INSTRUMENTS

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**1975 No. 556**

**The Social Security (Credits) Regulations 1975**

**[<sup>F1</sup>Credits for incapacity for work [<sup>F2</sup>or limited capability for work]**

**8B.**—(1) <sup>F3</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>F4</sup>(2A),] (3) and (4) this regulation applies to—

[<sup>F5</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
- (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>F6</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>F7</sup>(aa) .....

[<sup>F8</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>F9</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>F10</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

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(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.]

#### Textual Amendments

- F1** 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)
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**

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