

1987 No. 687

**SOCIAL SECURITY**

**The Social Security (Credits) Amendment (No. 2)  
Regulations 1987**

<i>Made</i> - - - -	<i>8th April 1987</i>
<i>Laid before Parliament</i>	<i>15th April 1987</i>
<i>Coming into force</i>	<i>10th May 1987</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 13(4), 166(2) and 168(1) of, and Schedule 20 to, the Social Security Act 1975(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:-

**Citation and commencement**

1. These Regulations, which may be cited as the Social Security (Credits) Amendment (No. 2) Regulations 1987, amend the Social Security (Credits) Regulations 1975(c) and shall come into force on 10th May 1987.

**Amendment of regulation 9 of the Social Security (Credits) Regulations 1975**

2. In regulation 9 of the Social Security (Credits) Regulations 1975 (credits for unemployment or incapacity for work) -

(a) in paragraph (5)(d) for the words "that Act." there shall be substituted the words "that Act; or";

(b) after paragraph (5)(d) there shall be added the following sub-paragraph -

"(e) by virtue of regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983(d) would be deemed to be a day on which he was incapable of work, but for the fact that in the week of incapacity of which the day forms part, he was a member of a local authority who was a councillor and was entitled to an attendance allowance payable under section 173(1) of the Local Government Act 1972(e) or under section 45(1) of the Local Government (Scotland) Act 1973(f) which exceeded the maximum weekly earnings prescribed in the said regulation 3(3)."

(c) in paragraph (9)(f) after the words "incapacity for work;" there shall be added the word "or";

(d) after paragraph (9)(f) there shall be added the following sub-paragraph -

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(a) 1975 c.14; section 13(4) was amended by the Social Security Act 1986 (c.50) section 75 and paragraph 2(3) of Schedule 8; see definitions of "prescribed" and "regulations" in Schedule 20. (b) See section 10(2)(b) of the Social Security Act 1980 (c.30). (c) S.I. 1975/556; the relevant amendment instruments are S.I. 1976/1736, 1977/788, 1978/409, 1981/1501, 1982/96, 1983/463 and 1987/414. (d) S.I. 1983/1598; the relevant amending instrument is S.I. 1986/1118. (e) 1972 c.70; section 173(1) was amended by the Local Government, Planning and Land Act 1980 (c.65) section 24(1). (f) 1973 c.65; section 45(1) was amended by the Local Government and Planning (Scotland) Act 1982 (c.43) section 60(1)(a). [SS87/1692]

“(g) for the relevant past year that person is entitled to be credited with earnings in respect of any one week which included one or more days of incapacity for work specified in paragraph (5)(e);”.

Signed by authority of the Secretary of State for Social Services

8th April 1987

*John Major*  
Minister of State,  
Department of Health and Social Security

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#### EXPLANATORY NOTE

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

Certain local authority councillors who receive invalidity benefit, sickness benefit or severe disablement allowance, lose their entitlement to that benefit if the allowances paid to them for carrying out their local authority duties exceed a specified amount in any week. Hitherto, when benefit has been lost in these circumstances, entitlement to a contribution credit has been lost as well.

These Regulations amend the Social Security (Credits) Regulations 1975, to provide that in the circumstances described above, the entitlement to a contribution credit is to remain (regulation 2, paragraphs (a) and (b)).

The Regulations also provide that the credit so awarded may be taken into account when determining whether the second contribution condition for unemployment benefit or sickness benefit has been satisfied (regulation 2, paragraphs (c) and (d)).

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