

1988 No. 516

SOCIAL SECURITY

The Social Security (Credits) Amendment
Regulations 1988

<i>Made - - - -</i>	<i>9th March 1988</i>
<i>Laid before Parliament</i>	<i>16th March 1988</i>
<i>Coming into force</i>	<i>6th April 1988</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 13(4) and 166(2) and (3) of, and Schedule 20 to, the Social Security Act 1975(a) and of all other powers enabling him in that behalf, and 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Credits) Amendment Regulations 1988 and shall come into force on 6th April 1988.

(2) In these Regulations, “the principal Regulations” means the Social Security (Credits) Regulations 1975(c).

Amendment to the principal Regulations

2.—(1) The principal Regulations shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 9 (credits for unemployment or incapacity for work)—

(a) in paragraph (5)—

(i) in sub-paragraph (a), for the words “of section 22(3)” there shall be substituted the words “of section 22(4)”;

(ii) the word “or” shall be added at the end of sub-paragraph (c);

(b) in paragraph (9)—

(i) for the words “sickness benefit, maternity grant or maternity allowance” there shall be substituted the words “sickness benefit or maternity allowance”;

(ii) the word “or” shall be added at the end of sub-paragraph (e).

(3) After regulation 9A there shall be inserted the following two regulations—

“Credits for jury service

9B.—(1) Subject to paragraphs (2) and (3), for the purposes of entitlement to any benefit by virtue of a person’s 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.

(a) 1975 c.14; section 13(4) was amended by the Social Security (No. 2) Act 1980 (c.39), section 7(6) and Schedule and the Social Security Act 1986 (c.50), section 75 and Schedule 8, paragraph 2(3); Schedule 20 is cited because of the meaning ascribed to the word “Regulations”.

(b) See Social Security Act 1980 (c.30), section 10(2)(b).

(c) S.I. 1975/556; relevant amending instruments are S.I. 1976 1736, 1977 788, 1981 1501, 1983 197, 1987 414.

(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(a) had effect; or

(b) in respect of any week falling wholly or partly within a year commencing before 6th April 1988.

Credits for maternity pay period

9C.—(1) Subject to paragraphs (2) and (3), for the purposes of entitlement to any benefit by virtue of a woman's contributions she shall be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week during a maternity pay period in respect of which statutory maternity pay was paid to her.

(2) A woman shall be entitled to be credited with earnings in respect of a week by virtue of this regulation only if she furnished to the Secretary of State notice in writing of her 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 her case.

(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 under section 3(2) of the Social Security Pensions Act 1975 had effect.

(4) In this regulation "maternity pay period" and "statutory maternity pay" have the same meanings as in the Social Security Act 1986(b).".

Revocations and savings

3.—(1) Subject to the savings in paragraph (2), regulation 6 and sub-paragraphs (b)(iii) and (cc) of regulation 9(9) of the principal Regulations are hereby revoked.

(2) The principal Regulations shall have effect for the purposes of the determination of a person's entitlement to be credited with earnings or with contributions—

(a) in respect of the year ending on 5th April 1988, as if these Regulations, with the exception of that part of regulation 2(3) which inserts regulation 9C in the principal Regulations, had not been made;

(b) in respect of any year before 6th April 1987, as if these Regulations had not been made.

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

9th March 1988

Michael Portillo
Parliamentary Under-Secretary of State,
Department of Health and Social Security

(a) 1975 c.60.

(b) 1986 c.50; see sections 46(1) and 47(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 amends regulation 9 of the principal Regulations (credits for unemployment or incapacity for work). The main amendment removes from regulation 9(9) reference to the satisfaction of the second contribution condition for entitlement to maternity grant. Abolition of maternity grant was effected by virtue of section 38 of the Social Security Act 1986, which came into force on 6 April 1987.

Regulation 2 also inserts regulations 9B and 9C in the principal Regulations. Regulation 9B provides for crediting a person with earnings in respect of periods of jury service. Regulation 9C provides for crediting a woman with earnings where statutory maternity pay was paid to her in a maternity pay period.

Regulation 3 contains revocations and savings.