
STATUTORY INSTRUMENTS

2001 No. 573

The Social Security (Credits and Incapacity Benefit) Amendment Regulations 2001

Amendment of the Social Security (Credits) Regulations 1975

2. After regulation 9C of the Social Security (Credits) Regulations 1975(1) (credits for maternity pay period), insert—

“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 sub-paragraph (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⁽²⁾ (which provides for an election to cease to have 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.”.

(2) S.I. 1979/591.