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STATUTORY INSTRUMENTS

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**2012 No. 2680**

**SOCIAL SECURITY**

**The Social Security (Credits)  
(Amendment) (No. 2) Regulations 2012**

<i>Made</i>	- - - -	<i>25th October 2012</i>
<i>Laid before Parliament</i>		<i>31st October 2012</i>
<i>Coming into force</i>	- -	<i>1st December 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(5), 122(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it<sup>(2)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Credits) (Amendment) (No. 2) Regulations 2012 and shall come into force on 1st December 2012.

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

2.—(1) Regulation 9F of the Social Security (Credits) Regulations 1975 (credits for persons providing care for a child under the age of 12)<sup>(3)</sup> is amended as follows.

(2) In paragraph (7)(b), for the words from “where” to “treated as paid” substitute “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)”.

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(1) 1992 c.4. Section 122(1) is cited due to the meaning ascribed to “prescribe”.  
(2) Section 173(1)(b) of the Social Security Administration Act 1992 (c.5) provides that proposals in respect of regulations which would otherwise be referable to the Social Security Advisory Committee may not be so referred with the agreement of that Committee. These Regulations would otherwise be referable by virtue of section 172 of that Act.  
(3) S.I. 1975/556. Regulation 9F was inserted by S.I. 2011/709.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Work and Pensions.

25th October 2012

*Steve Webb*  
Minister of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

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

These Regulations amend regulation 9F of the Social Security (Credits) Regulations 1975 ([S.I. 1975/556](#)) (the “1975 Regulations”).

Regulation 9F of the 1975 Regulations provides that, where certain conditions are satisfied, a person providing care for a child under the age of 12 in a week to which that regulation applies may be credited with a class 3 national insurance contribution.

One of the conditions that must be satisfied is that the person who has been awarded child benefit in respect of the child cared for must already have an earnings factor that exceeds the qualifying earnings factor for that week. That earnings factor is subject to a limitation as to how it may be derived.

These Regulations amend that condition so that that earnings factor may be derived from any means except for class 3 national insurance contributions credited by virtue of an award of child benefit.

A full impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.