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STATUTORY INSTRUMENTS

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**2015 No. 173**

**The State Pension Regulations 2015**

**[<sup>F1</sup>PART 8**

**National Insurance Credits**

**CHAPTER 2**

Crediting earnings or contributions in respect of a pre-commencement qualifying year

**[<sup>F1</sup>Credits for spouses and civil partners of members of Her Majesty's forces**

**28.**—(1) Subject to paragraph (5), a person who satisfies the conditions in paragraph (2) for any part of a week to which this regulation applies is to be credited with a Class 3 contribution in respect of that week.

(2) The conditions are that the person—

- (a) is a spouse or civil partner of a member of Her Majesty's forces, or is treated as such by the Secretary of State for the purposes of occupying accommodation, and
- (b) is accompanying the member of Her Majesty's forces on an assignment outside the United Kingdom, or is treated as such by the Secretary of State.

(3) This regulation applies to a week which falls within a year beginning on or after 6th April 1975 and ending before 6th April 2016 for which the earnings factors of the member of Her Majesty's forces exceed the qualifying earnings factor.

(4) Paragraph (1) does not apply to—

- (a) a person in respect of a week in which the person is entitled to be credited with earnings under—
  - (i) regulation 7A (credits for carer's allowance [<sup>F2</sup>or carer support payment]),
  - (ii) regulation 8A (credits for unemployment),
  - (iii) regulation 8B (credits for incapacity for work or limited capability for work), or
  - (iv) regulation 9E (credits for certain spouses and civil partners of members of Her Majesty's forces),

of the 1975 Regulations; or

- (b) a woman in respect of a week in any part of which an election made by her under regulations under section 19(4) of the 1992 Act (reduced rate election for married women) is in force.

(5) A person is not entitled to be credited with a Class 3 contribution under paragraph (1) unless an application to be so credited is received by the Secretary of State in accordance with paragraph (6).

(6) An application under paragraph (5) may only be made in respect of a past period and must—

- (a) be on a form approved by the Secretary of State, or made in such manner as the Secretary of State accepts as sufficient in the circumstances, and

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**Changes to legislation:** There are currently no known outstanding effects for the  
The State Pension Regulations 2015, Section 28. (See end of Document for details)

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- (b) include such information as may be specified by the Secretary of State or the Commissioners for Her Majesty's Revenue and Customs.]

**Textual Amendments**

- F1** Pt. 8 inserted (6.4.2016 coming into force in accordance with reg. 1) by [The State Pension \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/240\)](#), regs. 1, 2
- F2** Words in reg. 28(4)(a)(i) inserted (19.11.2023) by [The Carer's Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), 27(3)

**Changes to legislation:**

There are currently no known outstanding effects for the The State Pension Regulations 2015, Section 28.