STATUTORY RULES OF NORTHERN IRELAND

# 2010 No. 109

# SOCIAL SECURITY

## The Social Security (Credits) (Amendment) Regulations (Northern Ireland) 2010

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| *Made - - - -* | *16th March 2010* |
| *Coming into operation* | *6th April 2010* |

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 22(5) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**).

### Citation and commencement

**1.**—(1) These Regulations may be cited as the Social Security (Credits) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 6th April 2010.

### Amendment of the Social Security (Credits) Regulations

**2.**—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(**3**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 8B(2)(**4**) (credits for incapacity for work or limited capability for work)—

(a) for sub-paragraph (a) substitute—

"(a) a week in which, in relation to the person concerned, each of the days—

(i) was a day of incapacity for work under section 30C of the Contributions and Benefits Act(**5**) (incapacity benefit: days and periods of incapacity for work),

(**1**) 1992 c. 7; section 22(5) was amended by paragraph 5 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15) and paragraph 3(3)(b) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) S.R. 1975 No. 113; relevant amending Regulations are S.R. 1976 No. 99, S.R. 1978 No. 77, S.R. 1987 No. 153, S.R. 1988 No. 326, S.R. 1996 No. 430, S.R. 2000 No. 404, S.R. 2001 Nos. 88, 108 and 120, S.R. 2002 Nos. 80 and 323, S.R. 2003 No. 151, S.R. 2005 No. 536, S.R. 2007 No. 306 and S.R. 2008 No. 286

(**4**) Regulation 8B was inserted by regulation 2(6) of S.R. 1996 No. 430 and amended by regulation 3 of S.R. 2000 No. 404, regulation 2(2) of S.R. 2003 No. 151, regulation 2(3) of S.R. 2007 No. 306 and regulation 7(6) of S.R. 2008 No. 286

(**5**) Section 30C was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and amended by paragraph 37 of Schedule 3 to the Tax Credits Act 2002

(ii) would have been such a day had the person concerned claimed short-term incapacity benefit or maternity allowance within the prescribed time,

(iii) was a day of incapacity for work for the purposes of statutory sick pay under section 147 of the Contributions and Benefits Act(**6**) (statutory sick pay) and fell within a period of entitlement under section 149 of that Act (period of entitlement),

(iv) was a day of limited capability for work for the purposes of Part 1 of the Welfare Reform Act (limited capability for work) or would have been such a day had the person concerned been entitled to an employment and support allowance by virtue of section 1(2)(a) of that Act, or

(v) would have been a day of limited capability for work for the purposes of Part 1 of the Welfare Reform Act had that person claimed an employment and support allowance or maternity allowance within the prescribed time;";

(b) omit sub-paragraph (aa); and

(c) in sub-paragraph (b) for head (ii) substitute—

"(ii) Article 12 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006(**7**), or".

(3) After regulation 9D(**8**) (credits for certain periods of imprisonment or detention in legal custody), add—

"**Credits for certain spouses and civil partners of members of Her Majesty's forces**

**9E.**—(1) For the purposes of entitlement to any benefit by virtue of a person's earnings or contributions, that person shall, subject to the following paragraphs, be entitled to be credited with earnings equal to the lower earnings limit then in force, in respect of each week to which paragraph (2) applies.

(2) This paragraph applies to each week for any part of which the person is—

(a) the spouse or civil partner of a member of Her Majesty's forces or treated as such by the Secretary of State for the purposes of occupying accommodation, and

(b) accompanying the member of Her Majesty's forces on an assignment outside the United Kingdom or treated as such by the Secretary of State.

(3) The person referred to in paragraph (2) shall be entitled to be credited with earnings in respect of a week by virtue of this regulation only if that person has made an application to the Department for that purpose.

(4) An application under paragraph (3) must—

(a) be properly completed and on a form approved by the Department, or in such manner as the Department accepts as sufficient in the particular circumstances, and

(b) include—

(i) a statement confirming that the conditions referred to in paragraph (2) are met and signed by or on behalf of the Defence Council(**9**) or a person authorised by them, and

(**6**) Section 147 was amended by paragraph 34 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and paragraph 10 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**7**) S.I. 2006/606; article 12 was amended by paragraph 1 of Schedule 1 to S.I. 2007/909

(**8**) Regulation 9D was inserted by regulation 2 of S.R. 2001 No. 88

(**9**) *See* section 1 of the Defence (Transfer of Functions) Act 1964 (c. 15)