STATUTORY RULES OF NORTHERN IRELAND

2003 No. 151

SOCIAL SECURITY

The Social Security (Credits) (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*7th March 2003*
Coming into operation	*6th April 2003*

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

Citation and commencement

1. These Regulations may be cited as the Social Security (Credits) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 6th April 2003.

Amendment of the Social Security (Credits) Regulations

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

(2) In regulation 8B(2)(**4**) (which specifies weeks in respect of which a person is entitled to be credited with earnings for incapacity for work) –

(a) in sub-paragraph (a)(i) after "(incapacity benefit: days and periods of incapacity for work)", there shall be inserted "or would have been such a day had that person been entitled to incapacity benefit by virtue of section 30A of that Act(**5**)";

(b) for sub-paragraph (b), there shall be substituted the following sub-paragraph –

"(b) a week for any part of which an unemployability supplement or allowance was payable by virtue of –

(**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))
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 1975 No. 113; relevant amending Regulations are S.R. 1988 Nos. 105 and 326, S.R. 1995 No. 150 and S.R. 1996 No. 430
(**4**) Regulation 8B was inserted by regulation 2(6) of S.R. 1996 No. 430
(**5**) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147(N.I. 11))

(i) Schedule 7 to the Contributions and Benefits Act(**6**),

(ii) Article 18 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(**7**), or

(iii) Article 18 of the Personal Injuries (Civilians) Scheme 1983(**8**).".

(3) For regulation 9C(**9**) (credits for maternity pay period), there shall be substituted the following regulation –

"**Credits for adoption pay period and maternity pay period**

9C.—(1) For the purposes of entitlement to any benefit by virtue of –

(a) in the case of a person referred to in paragraph (2)(a), that person's earnings or contributions;

(b) in the case of a woman referred to in paragraph (2)(b), her earnings or contributions,

that person or that woman, as the case may be, shall be entitled to be credited with earnings equal to the lower earnings limit then in force in respect of each week to which this regulation applies.

(2) Subject to paragraphs (3) and (4) this regulation applies to each week during –

(a) the adoption pay period in respect of which statutory adoption pay was paid to a person, or

(b) the maternity pay period in respect of which statutory maternity pay was paid to a woman.

(3) A person or woman referred to in paragraphs (1) and (2) shall be entitled to be credited with earnings in respect of a week by virtue of this regulation only if he or she –

(a) furnished to the Department notice in writing of his or her claim to be entitled to be credited with earnings, and

(b) did so –

(i) before the end of the benefit year immediately following the tax year in which that week began, or

(ii) within such further time as may be reasonable in the circumstances of his or her case.

(4) This regulation 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 19(4) of the Contributions and Benefits Act had effect.

(5) In this regulation "adoption pay period", "maternity pay period", "statutory adoption pay" and "statutory maternity pay" have the same meaning as in the Contributions and Benefits Act(**10**).".

(**6**) Definition of "Contributions and Benefits Act" was inserted by regulation 6(2) of S.R. 1995 No. 150
(**7**) S.I. 1983/883; to which there are amendments not relevant to these Regulations
(**8**) S.I. 1983/686; to which there are amendments not relevant to these Regulations
(**9**) Regulation 9C was inserted by regulation 3 of S.R. 1988 No. 105 and amended by regulation 2(4) of S.R. 1988 No. 326
(**10**) *See* Part XII (Statutory Maternity Pay) and Part XIIZB (Statutory Adoption Pay) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; Part XIIZB was inserted by Article 6 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))