1988 No. 326

SOCIAL SECURITY

The Social Security (Credits) (Amendment No. 4) Regulations (Northern Ireland) 1988

Made . . . . . *8th September 1988*

Coming into operation . . *2nd October 1988*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 13(4) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Credits) (Amendment No.4) Regulations (Northern Ireland) 1988 and shall come into operation on 2nd October 1988.

(2) In these regulations "the principal regulations" means the Social Security (Credits) Regulations (Northern Ireland) 1975(**b**).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 2(1) (interpretation) for the definition of "relevant past year" there shall be substituted the following definition—

" "relevant past year" means the last complete year before the beginning of the relevant benefit year;".

(3) In regulation 9 (credits for unemployment or incapacity for work) —

(*a*) in paragraph (1) for "by virtue of a person's contributions" there shall be substituted "by virtue of a person's earnings or contributions";

(*b*) after paragraph (8) there shall be inserted the following paragraph—

"(8A) For the purposes of this regulation, where a period of employment commencing on any day extends over midnight into the following day, the person employed shall, in respect of such period, be treated —

(*a*) as having been employed on the first day only, if the employment before midnight is of longer duration than that after midnight, and in that case the first day shall not be treated as a day of interruption of employment;

(a) 1975 c.15; section 13(4) was amended by the Schedule to the Social Security (No.2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13)) and paragraph 1(3) of Schedule 8 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(b) S.R. 1975 No. 113; relevant amending regulations are S.R. 1976 No. 99, S.R. 1977 No. 132, S.R. 1978 No. 77, S.R. 1983 Nos. 76 and 348, S.R. 1987 No. 153 and S.R. 1988 Nos. 105, 276 and 298

(*b*) as having been employed on the second day only, if the employment after midnight is of longer duration than that before midnight or if the employment before and after midnight is of equal duration, and in either of these cases the second day shall not be treated as a day of interruption of employment.";

(*c*) in paragraph (9)—

(i) for ",sickness benefit or maternity allowance" there shall be substituted "or sickness benefit",

(ii) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph —

"(*a*) in respect of one of the last 2 complete years before the beginning of the relevant benefit year, that person has an earnings factor of not less than 25 times the lower earnings limit for that year which —

(i) for the purposes of entitlement to unemployment benefit, is derived from earnings upon which primary Class 1 contributions have been paid or treated as paid,

(ii) for the purposes of entitlement to sickness benefit, is derived from such earnings or from Class 2 contributions; or",

(iii) in sub-paragraph (*c*) for the words from "or regulations made under section 33(2)" to the end there shall be substituted "or regulation 2(1) of the Maternity Pay and Maternity Allowance (Transitional) Regulations (Northern Ireland) 1987(**a**); or".

(4) In regulation 9C(1) (credits for maternity pay period) for "by virtue of a woman's contributions" there shall be substituted "by virtue of a woman's earnings or contributions".

(5) In the following regulations —

(*a*) regulation 4(1) (starting credits for the purposes of a retirement pension, a widowed mother's allowance and a widow's pension);

(*b*) regulation 7(1) (credits for approved training);

(*c*) regulation 7A(1) (credits for invalid care allowance);

(*d*) regulation 9A(2) (credits for persons approaching pensionable age);

(*e*) regulation 9B(1) (credits for jury service),

for "by virtue of a person's contributions", wherever it appears, there shall be substituted "by virtue of a person's earnings or contributions".

Revocation

3. Regulation 8(*d*) of the Social Security (Credits) (Amendment) Regulations (Northern Ireland) 1987(**b**) is hereby revoked.

Transitional provisions

4. Where, by virtue of regulation 2 of the Social Security (Contribution Conditions for Unemployment and Sickness Benefit) (Transitional)

(**a**) S.R. 1987 No. 163
(**b**) S.R. 1987 No. 153