1988 No. 73

SOCIAL SECURITY

The Social Security (Earnings Factor) (Amendment) Regulations (Northern Ireland) 1988

Made	*10th March 1988*
Coming into operation . .	*4th April 1988*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 13(5) and (5A) of the Social Security (Northern Ireland) Act 1975(**a**), Articles 8(5A) and 37(3) of the Social Security Pensions (Northern Ireland) Order 1975(**b**), Article 1(8) of the Social Security (Northern Ireland) Order 1985(**c**) and Article 84(1) of the Social Security (Northern Ireland) Order 1986(**d**) 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 (Earnings Factor) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 4th April 1988.

(2) In these regulations "the principal regulations" means the Social Security (Earnings Factor) Regulations (Northern Ireland) 1979(**e**).

(3) The Interpretation Act 1978(**f**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) For regulation 2 (ascertainment of earnings factors) there shall be substituted—

"*Ascertainment of earnings factors*

2.—(1) The earnings factors derived from a person's earnings paid in, or from earnings credited or Class 2 or Class 3 contributions in respect of, any year shall, subject to paragraph 2 of this regulation, be ascertained in accordance with the rules contained in Schedule 1 to these regulations.

(a) 1975 c. 15; section 13(5) was amended by paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and paragraph 1(4) of Schedule 8 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)). Section 13(5A) was inserted by parapraph 1(*b*) of Schedule 5 to the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(b) S.I. 1975/1503 (N.I. 15); Article 8(5A) was inserted by paragraph 8(*b*) of Schedule 5 to the Social Security (Northern Ireland) Order 1985. *See* also Article 2(3)

(c) S.I. 1985/1209 (N.I. 16)

(d) S.I. 1986/1888 (N.I. 18)

(e) S.R. 1979 No. 193; amended by S.R. 1985 No. 263 and S.R. 1987 Nos. 115 and 138

(f) 1978 c. 30

(2) A person's earnings factors in respect of the year commencing on 6th April 1988, or any subsequent year, shall not in respect of any such year together exceed an amount equal to 58 times the upper earnings limit for that year.''.

(3) In Schedule 1 (rules for the ascertainment of earnings factors), Part I (Class 1 contributions)—

(*a*) for paragraph 2(1) there shall be substituted—

"2.—(1) Subject to sub-paragraph (2) below, a person's earnings factor derived in respect of the year commencing on 6th April 1987, or any subsequent year, from—

(*a*) those of his earnings paid in that year upon which Class 1 contributions have been paid or treated as paid in respect of that year; and

(*b*) earnings with which he has been credited in respect of that year,

shall be equal to the amount of those actual and credited earnings.";

(*b*) for paragraph 3 there shall be substituted—

"3. Where a person's earnings paid in the year commencing on 6th April 1987 or in any subsequent year, are earnings upon which Class 1 contributions have been paid or treated as paid in respect of that year and are, or are to be, recorded as separate sums in the records of the Department of Health and Social Security, the earnings factor derived from those earnings shall be equal to the aggregate of the amounts ascertained by rounding down each sum separately to the nearest whole pound.";

(*c*) in paragraph 6 for the words from the beginning to "treated as paid" there shall be substituted "Where Class 1 contributions have been paid or treated as paid in respect of the year commencing on 6th April 1987, or any subsequent year, upon a person's earnings paid in that year";

(*d*) for paragraph 7(3) there shall be substituted—

"(3) Where a person's earnings paid in the year commencing on 6th April 1987, or in any subsequent year, are earnings upon which contracted-out contributions have been paid or treated as paid in respect of that year and are, or are to be, recorded as separate sums in the records of the Department of Health and Social Security, the earnings factor derived from those earnings shall be equal to the aggregate of the amounts ascertained by rounding down each sum separately to the nearest whole pound.".

Revocation and savings

3.—(1) Subject to the savings in paragraph (2) below, the Social Security (Earnings Factor) (Amendment) Regulations (Northern Ireland) 1985(**a**), the Social Security (Earnings Factor) (Amendment) Regulations (Northern Ireland) 1987(**b**) and the Social Security (Earnings Factor) (Amendment No. 2) Regulations (Northern Ireland) 1987(**c**) are hereby revoked.

(**a**) S.R. 1985 No. 263
(**b**) S.R. 1987 No. 115
(**c**) S.R. 1987 No. 138