1983 No. 76

SOCIAL SECURITY

The Social Security and Supplementary Benefit (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1983

Made . . . . . *1st April 1983*

Coming into operation —

Regulations 1, 2, 3 and 5 *6th April 1983*
Regulation 4 *30th May 1983*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 13(4) and 17(1)(*a*)(i) and (2) of the Social Security (Northern Ireland) Act 1975(**a**) and by Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**c**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Social Security and Supplementary Benefit (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation in the case of regulations 1, 2, 3 and 5 on 6th April 1983 and in the case of regulation 4 on 30th May 1983.

Amendment of the Social Security (Credits) Regulations (Northern Ireland) 1975

2.—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(**d**) shall be amended in accordance with the following provisions of this regulation.

(2) The following regulation shall be inserted after regulation 9—

"*Credits for persons approaching pensionable age*

9A.—(1) This regulation shall apply to the tax year in which a person attains the age of 60 and to each of the 4 succeeding tax years.

(2) Subject to paragraph (3), for the purposes of entitlement to any benefit by virtue of a person's contributions, he shall be credited with such number of Class 1 contributions as may be required to bring his relevant earnings factor in respect of a tax year to which this regulation applies to the level required to make that year a reckonable year; so however that no such contribution shall be credited under this regulation in respect of a tax year commencing before 6th April 1983.

(3) Where in any tax year to which this regulation applies a person is liable to pay a Class 2 contribution in respect of any week, he shall be credited with a Class 1 contribution for each week for which no contribution of any class is payable by

(**a**) 1975 c. 15; section 13(4) was amended by Article 7(6) of, and the Schedule to, the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13))
(**b**) S.I. 1977/2156 (N.I. 27); Article 7 was substituted by Article 31(1) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))
(**c**) 1980 c. 30
(**d**) S.R. 1975 No. 113; the relevant amending regulations are S.R. 1977 No. 132 and S.R. 1981 No. 367

or in respect of him so however that no such contribution shall be credited to a person for any week in respect of which that person is entitled under any other provision of these regulations to have a contribution of any description credited to him in respect of the same week.''.

(3) Regulation 9(2)(*c*) (which provides for Class 1 credits for weeks in which persons of 60 and over are entitled to supplementary allowance without being required to register for employment) is hereby revoked.

(4) In regulation 9(9)(*c*) there shall be omitted the words from and including ''and for the purposes'' to ''by virtue of paragraph (2)(*c*)''.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979

3.—(1) The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979(**a**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (interpretation) in the appropriate place in alphabetical order there shall be inserted the following definition:—

''''determining authority'' means, as the case may require, an insurance officer, a local tribunal, the Chief Social Security Commissioner or any other Social Security Commissioner or a Tribunal of 2 or 3 Social Security Commissioners constituted in accordance with section 116 of the Act;''.

(3) The following regulation shall be inserted after regulation 9—

''*Reckoning periods of interruption of employment for persons approaching retirement*

9A.—(1) The following provisions of this regulation apply only to days falling within the tax year in which a person attains the age of 60 and to any day thereafter on which that person is below the age of 70 in the case of a man or 65 in the case of a woman.

(2) For the purpose of reckoning periods of interruption of employment and for that purpose only, a person shall be deemed to be available to be employed in employed earner's employment on any day specified in paragraph (3) and any such day shall be treated as a day of unemployment.

(3) Where a person makes a claim for unemployment benefit for a day such as is referred to in paragraph (1) and that day forms part of a period of interruption of employment and the decision of the determining authority is that benefit is not payable because—

(*a*) he has exhausted his right to unemployment benefit, or

(*b*) he fails to satisfy one or both of the contribution conditions for entitlement to that benefit, or

(*c*) the rate at which he would otherwise be entitled to unemployment benefit is reduced to nil by virtue of Article 5 of the Social Security (No. 2) (Northern Ireland) Order 1980(**b**) (abatement of unemployment benefit on account of payments of occupational pension),

all days which are subsequent to that day, other than days referred to in section 17(1)(*e*) of the Act, shall, subject to paragraph (1) and the following provisions of this regulation, be days specified for the purposes of paragraph (2).

(4) Any day of incapacity for work which forms part of a period of interruption of employment shall not be a day specified for the purposes of paragraph (2).

(a) S.R. 1979 No. 211; the relevant amending regulation is S.R. 1982 No. 42

(b) 1980/1087 (N.I. 13); Article 5 was amended by Article 38 of, and paragraph 19 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (1982/1084 (N.I. 16))