1977 No. 332

SOCIAL SECURITY

The Social Security (Earnings Factor) (Amendment) Regulations (Northern Ireland) 1977

Made . . . . . 15*th November* 1977

Coming into operation . . . 6*th April* 1978

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 13(5) and 115 of, and paragraph 2 of Schedule 13 to, the Social Security (Northern Ireland) Act 1975(**a**), and Article 37(3) of the Social Security Pensions (Northern Ireland) Order 1975(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1. These regulations, which may be cited as the Social Security (Earnings Factor) (Amendment) Regulations (Northern Ireland) 1977, shall be read as one with the Social Security (Earnings Factor) Regulations (Northern Ireland) 1975(**c**) (hereinafter referred to as "the principal regulations") and shall come into operation on 6th April 1978.

Substitution in the principal regulations

2. In regulation 3 of the principal regulations for "alleged to be paid have been or are to be recorded in the records of those Departments" there shall be substituted "treated as having been paid or as not repaid have been or are to be recorded in the records of the Department of Health and Social Security".

Substitution in the Schedule to the principal regulations

3. For the rules contained in Part I of the Schedule to the principal regulations there shall be substituted the rules contained in the Schedule to these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 15th November 1977.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

(a) 1975 c. 15
(b) S.I. 1975/1503 (N.I. 15)
(c) S.R. 1975 No. 82 (I, p. 477)

SCHEDULE Regulation 3

Rules to be substituted for those in Part I of the Schedule to the principal regulations

"1.—(1) In this Part of this Schedule—

(*a*) 'Class 1 contributions' means primary Class 1 contributions;

(*b*) 'contracted-out contributions' means contributions paid on earnings in respect of a person's contracted-out employment being earnings in excess of the current lower earnings limit or the prescribed equivalent if he is paid otherwise than weekly;

(*c*) 'the Pensions Order' means the Social Security Pensions (Northern Ireland) Order 1975;

(*d*) 'the standard level' in relation to any year means that year's lower earnings limit for Class 1 contributions multiplied by 50;

(*e*) any reference to a rate of contributions which is expressed as a percentage is to the figure or figures appropriate for specifying the percentage and not to the percentage itself;

(*f*) where a sum is to be rounded to the nearest whole penny or the nearest whole pound ½p shall be taken as nearest to the next whole penny above and 50p as nearest to the next whole pound above respectively; and

(*g*) each paragraph has effect subject to the provisions of all later paragraphs.

(2) Paragraphs 2 to 6 below shall apply for the purposes specified in section 13(2) of the Act (as amended by paragraph 20 of Schedule 5 to the Pensions Order) and paragraph 6A for the purposes of Article 37 of the Pensions Order (earner's guaranteed minimum).

2. The earnings factor derived from a person's Class 1 contributions actually paid in respect of any year shall be

$$100 \left[\left(\frac{(P - Q) + S}{R} \right) + \left(\frac{Q + S1}{R1} \right) \right] \text{, where—}$$

(*a*) P is the amount of his Class 1 contributions actually paid in respect of that year;

(*b*) S or S1 is the smallest sum required to make the factor ((P − Q) + S) or (Q + S1) respectively a multiple of 10 pence treating 0 pence for this purpose as being a sum;

(*c*) Q is the amount of his contracted-out contributions paid in respect of that year;

(*d*) R is—

(i) in relation to any Class 1 contributions paid at the rate specified in section 4(6)(*a*) of the Act, the rate in question in force for that year; and

(ii) in relation to any Class 1 contributions paid at the rate so specified as modified by regulations under sections 123 to 126 of the Act, the rate in question as so modified in force for that year; and

(*e*) R1 is the rate of contracted-out contributions in force for that year ascertained by reference to Article 29(2)(*a*) of the Pensions Order;

and the amount resulting shall be rounded to the nearest whole penny.

3. Where in respect of any year a person's Class 1 contributions actually paid have been 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 contributions shall be the aggregate of the amounts ascertained by applying the provisions of paragraph 2 above separately to each sum.