1975 No. 113

SOCIAL SECURITY

The Social Security (Credits) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by section 13(4) of the Social Security (Northern Ireland) Act 1975(a) and paragraph 3 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(b), 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) Regulations (Northern Ireland) 1975 and shall come into operation on 6th April 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"credits" and "a credit" shall be construed in accordance with regulation 3;

"reckonable year", in relation to any benefit, means a tax year for which the relevant earnings factor of the contributor concerned amounts to not less than that year's lower earnings limit multiplied in the case of any benefit except maternity grant by 50, and in the case of maternity grant by 25;

"relevant earnings factor", in relation to any benefit, means the earnings factor or the aggregate of the earnings factors derived from contributions paid or credited of the class or classes relevant in relation to that benefit under section 13;

"relevant past year" has the meaning assigned to it in paragraph 1(4), 2(4) or 3(4), as the case may be, of Schedule 3 to the Act in relation to the benefit in question,

and other expressions have the same meanings as in the Act.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered section is a reference to the section of the Act bearing that number;

(a) 1975 c. 15 (b) 1975 c. 18 (c) 1889 c. 63

(*b*) to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*c*) to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces or which may re-enact or replace it with or without modification.

(4) Nothing in these regulations shall be construed as entitling any person to be credited with contributions for the purposes of any benefit for a day, period or event occurring before 6th April 1975.

General provisions relating to the crediting of contributions

3.—(1) Any contributions credited in accordance with these regulations for the purposes of any benefit for which 2 contribution conditions are specified in Schedule 3 to the Act shall be only for the purpose of enabling the person concerned to satisfy the second of those conditions; and accordingly where under any of the provisions of these regulations a person would, but for this paragraph, be entitled to be credited with any contributions for a tax year, or in respect of any week in a tax year, he shall be so entitled for the purposes of any benefit only if, and to no greater extent than that by which his relevant earnings factor for that year falls short of the level required to make that year a reckonable year.

(2) Where under these regulations a person is entitled for the purposes of any benefit to—

(*a*) Class 1 credits for a year, he is to be credited with such amount of Class 1 contributions as may be required to bring his relevant earnings factor to the level required to make that year a reckonable year;

(*b*) a Class 1 credit in respect of a week, he is to be credited with an amount of primary Class 1 contributions calculated at the standard rate specified in section 4(6)(*a*) in respect of a payment of weekly earnings made in that week and equal to the lower earnings limit then current under section 4(1)(*a*).

(3) Where under these regulations a person is entitled to a credit in respect of a week which is partly in one tax year and partly in another, he shall be entitled to that credit for the tax year in which that week began and not for the following year.

Starting credits for the purposes of a retirement pension, a widowed mother's allowance and a widow's pension

4.—(1) For the purposes of entitlement to a Category A or a Category B retirement pension, a widowed mother's allowance or a widow's pension by virtue of a person's contributions, he shall be credited with such number of Class 3 contributions as may be required to bring his relevant earnings factor in respect of the tax year in which he attained the age of 16 and for each of the 2 following tax years to the level required to make those years reckonable years; so however that, subject to paragraph (2), no contribution shall be credited under this regulation in respect of any tax year commencing before 6th April 1975.

(2) Where a person was in Northern Ireland on 6th April 1975 and had attained the age of 16 but was not an insured person under the National Insurance Act (Northern Ireland) 1966(d), he shall be credited with contributions under paragraph (1) in respect of the tax year commencing on 6th April 1974.

Starting credits for the purposes of unemployment benefit, sickness benefit and maternity allowance

5.—(1) For the purposes of his entitlement to unemployment benefit, sickness benefit or maternity allowance a person shall, subject to paragraph (2), be entitled to Class 1 credits for the relevant past year if it is—

(*a*) the year in which he attained the age of 17 or any previous year; or

(*b*) in the case of a person who was not insured under the National Insurance Act (Northern Ireland) 1966, a later year up to and including the first year in which he paid or is treated, otherwise than by Part II of Schedule 3 to the Act, as having paid either a Class 1 or Class 2 contribution.

(2) Paragraph (1) shall not apply to a woman in respect of any tax year immediately before the end of which she was a married woman and an election made by her under regulations made under section 125(2) (elections by married women and widows not to pay certain contributions or to pay certain contributions at a reduced rate) had effect.

Starting credits for the purposes of a maternity grant

6. For the purposes of entitlement to a maternity grant by virtue of a person's contributions he shall—

(*a*) be credited with such number of Class 3 contributions as may be required to bring his relevant earnings factor for the relevant past year, if it is a year for which contributions could be credited under regulation 4 which commenced on or after 6th April 1975, to the level required to make it a reckonable year;

(*b*) in the case of a person to whom regulation 5(1) applies, be entitled to Class 1 credits for the relevant past year, if (not being a year for which he is entitled to credits under paragraph (*a*) of this regulation it is a year mentioned in paragraph (1), but not paragraph (2), of regulation 5.

Credits for approved training

7.—(1) For the purposes of entitlement to any benefit by virtue of a person's contributions he shall, subject to paragraphs (2) and (3), be entitled to a Class 1 credit in respect of each week in any part of which he was undergoing (otherwise than in pursuance of his employment as an employed earner) a course of full-time training approved by the Department for the purposes of this regulation.

(2) Paragraph (1) shall apply to a person only if—

(*a*) for at least 1 of the last 3 tax years ending before the course began his earnings factor derived from Class 1 and Class 2 contributions paid or credited amounted in the aggregate to a least 50 times the lower earnings limit for that year or in the circumstances of his case there is reasonable ground for waiving the foregoing requirement of this sub-paragraph;

(d) 1966 c. 6 (N.I.)

(*b*) when the course began it was not intended to continue for more than 12 months or in the case of a person undergoing a course of training provided under the Disabled Persons (Employment) Act (Northern Ireland) 1945(e), for such longer period as is reasonable in the circumstances of his case; and

(*c*) he had attained the age of 18 before the beginning of the tax year in which the week in question began.

(3) Paragraph (1) 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 125(2) had effect.

Credits on termination of full-time education, training or apprenticeship

8.—(1) For the purposes of his entitlement to unemployment benefit, sickness benefit or maternity allowance, a person who was—

(*a*) undergoing a course of full-time education;

(*b*) undergoing a course of training approved for the purposes of this regulation by the Department; or

(*c*) an apprentice,

during any part of the relevant past year, shall, subject to paragraph (2), be entitled to Class 1 credits for that year if that course or, as the case may be, his apprenticeship has terminated.

(2) Paragraph (1) shall not apply—

(*a*) where the course of education or training or the apprenticeship commenced after the person had attained the age of 21;

(*b*) to a woman in respect of any tax year immediately before the end of which she was a married woman and an election made by her under regulations made under section 125(2) had effect.

Credits for unemployment or incapacity for work

9.—(1) For the purposes of entitlement to any benefit by virtue of a person's contributions he shall be entitled to a Class 1 credit in respect of each week of unemployment or incapacity within the meaning of paragraph (2).

(2) Subject to paragraph (6), in this regulation "week of unemployment or incapacity" means—

(*a*) a week in which in relation to the person concerned each of the 6 days from Monday to Saturday was either—

(i) a day of unemployment within the meaning of paragraph (3); or

(ii) a day of incapacity for work within the meaning of paragraph (5),

so however that if he objects on religious grounds to working on a specific day in each week other than Sunday, in the application of this sub-paragraph to him Sunday shall be substituted for that specific day; or

(*b*) a week for any part of which an unemployability supplement or allowance within the meaning of Schedule 5 to the Act is payable.

(3) Subject to paragraphs (4) and (7), in this regulation a day of unemployment in relation to any person means any day which—

(*a*) was a day of unemployment for the purposes of section 14(1)(*a*); or

(e) 1945 c. 6 (N.I.)