1989 No. 368

SOCIAL SECURITY

The Social Security (Credits) (Amendment) Regulations (Northern Ireland) 1989

Made . . . . . 13th September 1989

Coming into operation . . 1st October 1989

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) Regulations (Northern Ireland) 1989 and shall come into operation on 1st October 1989.

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

Amendment of regulation 7 of the principal regulations

2. In regulation 7(2) of the principal regulations (credits for approved training)—

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

"(ii) a course of training which he attends for not less than 15 hours in the week in question and he is a disabled person within the meaning of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**c**), or";

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

"(*b*) when the course began it was not intended to continue for more than 12 months or, if he was a disabled person within the meaning of the Disabled Persons (Employment) Act (Northern Ireland) 1945 and the training was provided under that Act or arranged under the Employment and Training Act (Northern Ireland) 1950(**d**), for such longer period as is reasonable in the circumstances of his case; and".

(**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. 321, S.R. 1977 No. 132, S.R. 1982 No. 42, S.R. 1983 No. 31, S.R. 1987 No. 153 and S.R. 1988 Nos. 105, 276, 298 and 326

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

(**d**) 1950 c. 29 (N.I.)

Amendment of regulation 8 of the principal regulations

3. For paragraph (1) of regulation 8 of the principal regulations (credits on termination of full-time education, training or apprenticeship) there shall be substituted the following paragraph—

"(1) For the purposes of his entitlement to unemployment benefit or sickness benefit, a person shall be entitled to be credited with earnings equal to the lower earnings limit then in force for either one of the last 2 complete years before the beginning of the relevant benefit year if—

(*a*) during any part of that year he was—

(i) undergoing a course of full-time education,

(ii) undergoing—

(*a*) a course of training which was full-time and which was provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**a**) or arranged under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**b**),

(*b*) any other full-time course the sole or main purpose of which was the acquisition of occupational or vocational skills, or

(*c*) if he is a disabled person within the meaning of the said 1945 Act, a part-time course attended for at least 15 hours a week which, if it was full-time, would fall within either of sub-heads (*a*) or (*b*) of this head, or

(iii) an apprentice;

(*b*) the other year is, in his case, a reckonable year; and

(*c*) that course or, as the case may be, his apprenticeship has terminated.".

Amendment of regulation 9 of the principal regulations

4. In regulation 9 of the principal regulations (credits for unemployment or incapacity for work)—

(*a*) at the beginning of paragraph (3)(*a*) there shall be inserted "in accordance with section 17(**c**) and regulations made under that section";

(*b*) at the beginning of paragraph (5)(*a*) there shall be inserted "in accordance with section 17 and regulations made under that section";

(*c*) for sub-paragraph (*c*) of paragraph (9) there shall be substituted the following sub-paragraph—

(**a**) Sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(**b**) Section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

(**c**) Section 17 was amended by Article 3(1) of, and the Schedule to, the Social Security (No. 2) (Northern Ireland) Order 1980, Article 6 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25)) and paragraph 1 of Schedule 4 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2))

"(*c*) that person has claimed ("the earlier claim") unemployment benefit, sickness benefit or maternity allowance in respect of a day, or in respect of which the maternity allowance period includes a day, falling within the relevant past year, and has satisfied, or may by virtue of any enactment or regulations be treated as having satisfied, in relation to the earlier claim—

(i) for the purposes of a later claim for unemployment benefit or maternity allowance, the contribution conditions for such benefit or allowance, and

(ii) for the purposes of a later claim for sickness benefit, the contribution conditions for that benefit; or";

(*d*) at the end of paragraph (9)(*e*) there shall be added ", but this sub-paragraph shall not apply in respect of any day after 30th September 1989 and falling within a period of interruption of employment which begins after 1st October 1988".

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

5. For regulation 4 of the Social Security (Credits) (Amendment No. 4) Regulations (Northern Ireland) 1988(**a**) (transitional provisions) there shall be substituted the following regulation—

"4. If, on the day that this regulation comes into operation, regulation 2 of the Social Security (Contribution Conditions for Unemployment and Sickness Benefit) (Transitional) Regulations (Northern Ireland) 1988(**b**) (transitional provisions for unemployment and sickness benefit and statutory sick pay) applies to a person (or would apply if a claim for benefit for that day had been made within the prescribed time) so that Schedule 3 to the Social Security (Northern Ireland) Act 1975(**c**) (contribution conditions for entitlement to benefit) continues to apply to him as though the amendments made to it by Article 7 of, and Schedule 5 to, the Social Security (Northern Ireland) Order 1988(**d**) (contribution conditions for short-term benefits) had not come into operation, then, until the end of the period of interruption of employment in his case which is mentioned in that regulation, the provisions of the principal regulations shall apply to him as if regulation 2(3)(*c*)(ii) of these regulations had not come into operation.".

Revocations

6. Regulation 2(3)(*a*) of the Social Security (Credits) (Amendment No. 2) Regulations (Northern Ireland) 1988(**e**) and regulation 2(3)(*c*)(iii) of the Social Security (Credits) (Amendment No. 4) Regulations (Northern Ireland) 1988 are hereby revoked.

(**a**) S.R. 1988 No. 326
(**b**) S.R. 1988 No. 320
(**c**) Relevant amending provisions are paragraph 10 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), paragraph 2(1), (2), (3) and (7) of Schedule 8 to the Social Security (Northern Ireland) Order 1986 and Article 7 of, and Schedule 5 to, the Social Security (Northern Ireland) Order 1988
(**d**) S.I. 1988/594 (N.I. 2)
(**e**) S.R. 1988 No. 276

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th September 1989.

(L.S.) *A. N. Burns*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Credits) Regulations (Northern Ireland) 1975 ("the principal regulations") and the Social Security (Credits) (Amendment No. 4) Regulations (Northern Ireland) 1988. They correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain — the Social Security (Credits) Amendment (No. 3) Regulations 1988 (S.I. 1988/1439) and the Social Security (Credits) Amendment Regulations 1989 (S.I. 1989/1627) — and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c.30). are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 amends regulation 7 of the principal regulations by clarifying, for a disabled person, the conditions of entitlement to be credited with earnings by virtue of attendance at a course of training approved by the Department.

Regulation 3 amends regulation 8 of the principal regulations so that credits may be awarded in respect of a tax year only if the person concerned was undergoing full-time education or full-time training (part-time in the case of a disabled person), or was an apprentice for at least part of that year.

Regulation 4 amends regulation 9 of the principal regulations. Regulation 9(3) and (5) is amended so that "day of unemployment" and "day of incapacity for work" are to be construed in accordance with section 17 of the Social Security (Northern Ireland) Act 1975 and regulations made under it. Regulation 9(9)(*c*) is amended to extend the circumstances in which credits for a period of unemployment may be used to satisfy the second contribution condition on a later claim for sickness benefit. Regulation 9(9)(*e*) is amended to provide that it is not to apply in respect of any day after these regulations come into operation which falls within a period of interruption of employment which begins after 1st October 1988.

Regulation 5 amends the Social Security (Credits) (Amendment No. 4) Regulations (Northern Ireland) 1988 so as to extend the period of operation of the transitional provision in regulation 4 of those regulations.

Regulation 6 contains revocations.