STATUTORY INSTRUMENTS

1975 No. 468

SOCIAL SECURITY

The Social Security (Earnings Factor) Regulations 1975

Made - - - -	20*th March* 1975
Laid before Parliament	24*th March* 1975
Coming into Operation	6*th April* 1975

The Secretary of State for Social Services, in exercise of the powers conferred on her by sections 13(5) and 115(1) of and paragraph 2 of Schedule 13 to the Social Security Act 1975**(a)** and of all other powers enabling her in that behalf, without having referred any proposals on the matter to the National Insurance Advisory Committee since it appears to her that by reason of urgency it is inexpedient to do so, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Earnings Factor) Regulations 1975 and shall come into operation on 6th April 1975.

(2) In these regulations—

"the Act" means the Social Security Act 1975;

"contributions" means contributions from which, under the Act or by virtue of regulations, an earnings factor is to be derived, and references to contributions of any class are to contributions actually of that class notwithstanding that for the purposes of any benefit they may be treated as or be deemed to be contributions of another class;

"year" means tax year;

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

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument (whether made or to be made) and as including a reference to any provision which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(b)** shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1975 c. 14. **(b)** 1889 c. 63.

Ascertainment of earnings factors

2. The earnings factors derived from a person's contributions in respect of any year shall be ascertained in accordance with the rules contained in the Schedule to these regulations.

Evidence of official records

3. For the purposes of Part III of the Act (determination of claims and questions) a certificate signed by a duly authorised officer of the Department of Health and Social Security as to the manner in which any contributions paid or alleged to be paid have been or are to be recorded in the records of that Department shall be sufficient evidence of the facts so certified; and any document purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Barbara Castle,
Secretary of State for Social Services.

20th March 1975.

Regulation 2

SCHEDULE

Rules for the Ascertainment of Earnings Factors

Part I

Class 1 Contributions

1. In this Part of this Schedule—

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

(*b*) "the requisite earnings factor" in relation to any benefit means the earnings factor required by virtue of any provision of Schedule 3 to the Act to satisfy the contribution conditions for that benefit, where the provision requires the lower earnings limit for Class 1 contributions for the year in question to be multiplied by not less than 50;

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

(*d*) any reference to a specified rate of contributions where that rate is specified as a percentage is to the figure or figures employed in specifying the percentage and not to the percentage itself; and

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

2. The earnings factor derived from a person's Class 1 contributions actually paid in respect of any year shall be $\frac{100\ (P+S)}{R}$, where—

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

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

(*c*) R is—

(i) in relation to any such contributions paid at the rate specified in section 4(6)(*a*) of the Act (or, if more than one rate is so specified, at the standard rate so specified), the rate in question in force for that year; and

(ii) in relation to any such contributions paid at the rate (or, as the case may be, the standard rate) so specified as modified by the provisions of, or of an instrument made under, any enactment, which provide for that rate to be modified in the case of earnings paid in respect of employment of a specified description or in the case of earners of a specified description, the rate in question as so modified in force for that year;

and the amount resulting, if not expressed as a whole number of pence, shall be expressed as such a number by the rounding down of any fraction of a penny less than one-half and the rounding up of any other fraction of a 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 separately to each sum.

4. Where any earnings factor ascertained by applying the provisions of paragraph 2 or paragraph 3 above would not, but for this paragraph, be expressed as a whole number of pounds, it shall be so expressed by the rounding down of any fraction of a pound less than one-half and the rounding up of any other fraction of a pound.

5. The earnings factor derived from a person's Class 1 contributions paid or credited in respect of any year shall be ascertained by aggregating—

(*a*) the earnings factor derived from his Class 1 contributions actually paid in respect of that year (ascertained by applying the provisions of paragraphs 2 to 4 above); and

(*b*) $\frac{100\,C}{R}$, where—

(i) C is the amount of his Class 1 contributions credited in respect of that year; and

(ii) R is the rate of contributions specified in section 4(6)(*a*) of the Act (or, if more than one rate is so specified, the standard rate so specified) in force for that year;

and the amount resulting, if not expressed as a whole number of pounds, shall be expressed as such a number by the rounding down of any fraction of a pound less than one-half and the rounding up of any other fraction of a pound.

6. Where a person has actually paid any Class 1 contributions in respect of a year and, but for this paragraph, the ascertainment of any earnings factor of his in respect of that year by the application of the rules contained in paragraphs 2 to 5 above would have the effect that—

(*a*) that earnings factor, or

(*b*) any aggregate of his earnings factors, either all derived from contributions actually paid or all derived from contributions paid or credited, for the same year,

would fall short of—

(i) the standard level, by an amount not exceeding £14, or

(ii) three-quarters of that level, by an amount not exceeding £11, or

(iii) one-half of that level, by an amount not exceeding £7,

the amount of that earnings factor as so ascertained shall, for the purposes of any right to benefit, be increased, in any case falling under head (i) of this paragraph by the amount required to make it or, as the case may be, that aggregate equal to the requisite earnings factor (if any) for the benefit in question, and in any case falling under head (ii) or head (iii) of this paragraph by the amount of the shortfall or, if that amount is not a whole number of pounds, by the next higher amount that is such a number.

PART II

CLASS 2 AND CLASS 3 CONTRIBUTIONS

7. Subject to the provisions of paragraph 8, the earnings factor derived from a person's Class 2 contributions or his Class 3 contributions, being in each case contributions actually paid or contributions paid or credited, in respect of any year shall be that year's lower earnings limit for Class 1 contributions multiplied by the number of the contributions from which the earnings factor is to be derived.

8. Where any earnings factor ascertained by applying the rule contained in paragraph 7 above would not, but for this paragraph, be expressed as a whole number of pounds, it shall be so expressed by the rounding down of any fraction of a pound less than one-half and the rounding up of any other fraction of a pound.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the rules for deriving from contributions paid, or paid or credited, under the Social Security Act 1975 the earnings factors by reference to which the contribution conditions for contributory benefits are expressed in Schedule 3 to that Act.

SI 1975/468
ISBN 0-11-050468-2

