

**2012 No. 394**

**SOCIAL SECURITY**

**The Social Security (Credits) (Amendment No. 2) Regulations  
(Northern Ireland) 2012**

*Made* - - - - - *29th October 2012*

*Coming into operation* - *1st December 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 22(5) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Credits) (Amendment No. 2) Regulations (Northern Ireland) 2012 and shall come into operation on 1st December 2012.

**Amendment of the Social Security (Credits) Regulations**

2. In regulation 9F of the Social Security (Credits) Regulations (Northern Ireland) 1975(c) (credits for persons providing care for a child under the age of 12), in paragraph (7)(b) for the words from “where” to “treated as paid” substitute “other than where those earnings factors are derived from Class 3 contributions credited by virtue of section 23A(2) and (3)(a) of the Contributions and Benefits Act(d) (crediting of contributions for a person awarded child benefit in respect of a child under 12)”.

Sealed with the Official Seal of the Department for Social Development on 29th October 2012

(L.S.)

*Anne McCleary*

A senior officer of the Department for Social Development

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(a) 1992 c. 7; section 22(5) was amended by paragraph 5 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and paragraph 3(3)(b) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1975 No. 113; regulation 9F was added by regulation 2(3) of S.R. 2011 No. 107

(d) Section 23A was inserted by section 3(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and amended by Article 5 of the National Insurance Contribution Credits (Transfer of Functions) (Northern Ireland) Order 2010 (S.I. 2010/242)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend regulation 9F of the Social Security (Credits) Regulations (Northern Ireland) 1975, which provides that, where certain conditions are satisfied, a person providing care for a child under the age of 12 in a week to which that regulation applies may be credited with a Class 3 National Insurance contribution.

One of the conditions that must be satisfied is that the person who has been awarded child benefit in respect of the child cared for must already have an earnings factor that exceeds the qualifying earnings factor for that week. That earnings factor is subject to a limitation as to how it may be derived.

These Regulations amend that condition so that a person's earnings factor may be derived from contributions or credits of any class except for Class 3 National Insurance contributions credited by virtue of an award of child benefit under section 23A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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