

1996 No. 2367

SOCIAL SECURITY

The Social Security (Credits and Contributions) (Jobseeker's Allowance Consequential and Miscellaneous Amendments) Regulations 1996

Made - - - - 11th September 1996

Laid before Parliament 16th September 1996

Coming into force 7th October 1996

The Secretary of State for Social Security, in exercise of the powers conferred by sections 22(5), 122(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and sections 35(1) and 40 of the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Credits and Contributions) (Jobseeker's Allowance Consequential and Miscellaneous Amendments) Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations "the Credits Regulations" means the Social Security (Credits) Regulations 1975(d).

[Regulation 2 (1) introduces amendments to S.I.1975/556.]

[Regulation 2(2) (a) - (e) amends regulation 2(1) of S.I.1975/556.]

[Regulation 2(3) substitutes regulation 3(1) of S.I.1975/556.]

[Regulation 2(4) amends regulations 7A-7C of S.I.1975/556.]

[Regulation 2(5) amends regulation 891) of S.I.1975/556.]

[Regulation 2(6) inserts regulation 8A and 8B into S.I.1975/556.]

[Regulation 2(7) substitutes regulation 9 of S.I.1975/556.]

[Regulation 2(8) amends regulation 9A of S.I.1975/556.]

[Regulation 3 revoked by regulation 157 S.I. 2001/1004 as from 6.4.01.]

(a) 1992 c. 4; section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 (c. 18); section 122(1) is cited for the meaning it gives to "prescribe".

(b) 1995 c. 18; section 35(1) is cited for the meaning it gives to "regulations".

(c) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5). That section applies to regulations made under the Jobseekers Act 1995 by virtue of the amendment made by paragraph 67 of Schedule 2 to that Act.

(d) S.I. 1975/556; relevant amending instruments are S.I. 1976/1736, 1977/788, 1978/409, 1982/96, 1983/197, 1987/414, 1987/687, 1988/516, 1988/1230, 1988/1545, 1989/1627, 1991/2772, 1992/726, 1994/1837, 1995/829 and 1995/2558.

Savings and transitional provisions

4.—(1) For the purposes of determining whether a person is entitled to be credited with earnings in respect of any period before the coming into force of these Regulations, regulation 9(1) to (8) of the Credits Regulations (credits for unemployments or incapacity for work) shall continue to have effect as if the amendments made by these Regulations had not come into force.

(2) In regulation 9 of the Credits Regulations (crediting of earnings for the purposes of entitlement to short-term incapacity benefit), as substituted by regulation 2(7) of these Regulations, in paragraph (c)(i)—

- (a) the reference to a claim for jobseeker's allowance shall, where the claim relates to a day before the coming into force of these Regulations, be read as a reference to a claim for unemployment benefit; and
- (b) the reference to a claim for short-term incapacity benefit shall, where the claim relates to a day before 13th April 1995 (which is the date from which sickness benefit was replaced by short-term incapacity benefit), be read as a reference to a claim for sickness benefit.

(3) In spite of regulation 8A of the Credits Regulations (credits for unemployment), as inserted by regulation 2(6) of these Regulations, a person to whom the transitionally protected period defined in regulation 9 of the Jobseeker's Allowance (Transitional Provisions) Regulations 1995(a) applies shall not be entitled to be credited with earnings in respect of a week falling within that period during which he is engaged in employment for 16 hours or more.

11th September 1996

Peter Lilley
Secretary of State
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Credits) Regulations 1975 and the Social Security (Contributions) Regulations 1979.

Regulation 2 amends the Social Security (Credits) Regulations 1975 in consequence of the coming into force of the Jobseekers Act 1995 (c. 18) and also makes some miscellaneous amendments to those Regulations. In particular, it separates into 3 regulations the matters formerly covered by regulation 9 of those Regulations.

The new regulation 8A provides for credits to be awarded for weeks in respect of which a jobseeker's allowance is paid or the conditions for receiving that allowance are satisfied. The new regulation 8B replaces the existing provision for entitlement to credits during periods of incapacity for work. The substituted regulation 9 replaces the existing provision for restricting the crediting of earnings in respect of periods of unemployment or incapacity for the purposes of entitlement to short-term incapacity benefit.

Regulation 3 amends the Social Security (Contributions) Regulations 1979 in consequence of the coming into force of the Jobseekers Act 1995.

Regulation 4 provides for savings and transitional arrangements.

These Regulations do not impose any costs on business.

(a) S.I. 1995/3276, amended by S.I. 1996/1515.