1995 No. 478

SOCIAL SECURITY

The Social Security (Effect of Family Credit on Earnings Factors) Regulations (Northern Ireland) 1995

Made . . . . . 18th December 1995

Coming into operation . . 29th January 1996

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 45A(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and of all other powers enabling it in that behalf, by this statutory rule which contains only Regulations made consequential upon Article 124 of the Pensions (Northern Ireland) Order 1995(**b**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Effect of Family Credit on Earnings Factors) Regulations (Northern Ireland) 1995 and shall come into operation on 29th January 1996.

Prescribed member of a married or unmarried couple for the purposes of section 45A of the Social Security Contributions and Benefits Act

2. For the purposes of section 45A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (which provides for disability working allowance and family credit to be taken into account in the calculation of the additional pension in a Category A retirement pension) where family credit is paid to one of a married or unmarried couple, the prescribed member of the couple referred to in subsection (2)(*a*) of that section is—

(*a*) where only one member is assessed for the purposes of the award of family credit as having income consisting of earnings, that member;

(*b*) where both members are so assessed, the member with the higher earnings; or

(*c*) where the earnings of each member are assessed as equal, the member to whom family credit is paid.

(**a**) 1992 c. 7; section 45A was inserted by Article 124 of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/ 3213 (N.I. 22))

(**b**) S.I. 1995/ 3213 (N.I. 22)

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th December 1995.

(L.S.) *Kenneth L. Millar*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made for the purposes of section 45A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ("the Contributions and Benefits Act"), which provides for family credit and disability working allowance to be taken into account when calculating the additional pension in a Category A retirement pension. They make provision, in a case where family credit is paid to one of a married or unmarried couple, as to which member of the couple the section applies.

These Regulations are made in consequence of Article 124 of the Pensions (Northern Ireland) Order 1995, which inserted section 45A into the Contributions and Benefits Act. Article 124 came into operation on 16th December 1995 by virtue of Article 1(3) of that Order. As these Regulations are made before the end of a period of 6 months from the coming into operation of Article 124 they are accordingly exempt, by virtue of section 150(5)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from reference to the Social Security Advisory Committee.