
STATUTORY INSTRUMENTS

2002 No. 2925

SOCIAL SECURITY, NORTHERN IRELAND

**The Social Security Benefit (Computation of Earnings)
(Amendment) (Northern Ireland) Regulations 2002**

<i>Made</i>	- - - -	<i>26th November 2002</i>
<i>Laid before Parliament</i>		<i>26th November 2002</i>
<i>Coming into force</i>		
<i>for certain purposes</i>		<i>8th December 2002</i>
<i>for all other purposes</i>		<i>1st April 2003</i>

The Treasury, in exercise of the powers conferred upon them by section 3(2) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), with the concurrence of the Department for Social Development, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Benefit (Computation of Earnings) (Amendment) (Northern Ireland) Regulations 2002 and shall come into force—

- (a) for the purposes of the amendments made by paragraphs (2) and (3) of regulation 2 on 8th December 2002; and
- (b) for all other purposes on 1st April 2003.

2.—(1) Amend the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(2) as follows.

- (2) In regulation 2 omit the definition in paragraph (1) of “maternity leave”.
- (3) In regulation 9—
 - (a) for sub-paragraph (j) of paragraph (1) substitute—

(1) 1992 c. 7 (“the 1992 Act”). Section 3(2) was amended by paragraph 4 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) (“the Transfer Order”). The functions of the Department of Health and Social Services for Northern Ireland under the 1992 Act were transferred to the Department for Social Development by Article 8(b) of, and Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481).

(2) S.R. 1996 No. 520: there are amendments which are not relevant for present purposes.

- “(j) any remuneration paid by or on behalf of an employer to the claimant in respect of a period throughout which the claimant is—
- (i) on maternity leave;
 - (ii) on paternity leave;
 - (iii) on adoption leave; or
 - (iv) absent from work because he is ill.”
- (b) at the appropriate points in the alphabetical list in paragraph (4) insert the following definitions—
- ““adoption leave” means a period of absence from work on ordinary or additional adoption leave under Article 107A or 107B of the Employment Rights Order(3);;”
- ““maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part IX of the Employment Rights Order(4);and”
- ““paternity leave” means a period of absence from work on leave under Article 112A or 112B of the Employment Rights Order(5).”
- (4) In the provisions mentioned in paragraph (5) for “invalid care allowance” substitute “carer’s allowance(6)”.
- (5) The provisions are —
- (a) regulation 7(a)(i) (date on which earnings are treated as paid);
 - (b) regulation 10(3) (calculation of net earnings of employed earners);
 - (c) regulation 13(3)(calculation of net earnings of self-employed earners); and
 - (d) the heading to, and paragraph 1(a) of, Schedule 3 (care charges to be deducted in the calculation of earnings for entitlement to invalid care allowance).

26th November 2002

Jim Fitzpatrick
Nick Ainger
Two of the Lords Commissioners of Her
Majesty’s Treasury

The Department for Social Development hereby concurs.
Sealed with the Official Seal of the Department for Social Development on 22nd November 2002.

L.S.

John O’Neill
Senior Officer of the
Department for Social Development

(3) [S.I. 1996/1919 \(N.I. 16\)](#) .Articles 107A and 107B were inserted by Article 3 of the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#)).

(4) Part IX was substituted by Part I of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999 ([S.I. 1999/2790 \(N.I. 9\)](#)).

(5) Articles 112A and 112B were inserted by Article 4 of the Employment (Northern Ireland) Order 2002.

(6) Invalid care allowance is renamed carer’s allowance by virtue of the Deregulation (Carer’s Allowance) Order (Northern Ireland) 2002 ([S.R. 2002 No. 321](#)).

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996 ([S.R. 1996 No. 520](#)) (“the 1996 Regulations”).

Regulation 1 provides for the citation and commencement of these Regulations.

Regulation 2 amends the 1996 Regulations. Paragraph (1) introduces the amendments. Paragraph (2) omits the definition of maternity leave (which is used only in regulation 9) from regulation 2(1). Paragraph (3) amends regulation 9 as follows. It substitutes a new sub-paragraph (j) in regulation 9(1). The effect is that earnings for benefit purposes include not only remuneration paid to a claimant during a period of maternity leave or sick absence but also any payment of remuneration during a period of adoption leave under Article 107A or 107B of the Employment Rights (Northern Ireland) Order 1996 ([S.I. 1996/1919 \(N.I. 16\)](#)) or paternity leave under Article 112A or 112B of that Order. Those Articles are inserted by the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#)). Paragraph (3) also inserts definitions of “adoption leave”, “maternity leave” and “paternity leave” in regulation 9(4). Paragraphs (4) and (5) make amendments to regulations 7, 10 and 13 of, and Schedule 3 to, the 1996 Regulations, consequent on the renaming of invalid care allowance as carer’s allowance under the Deregulation (Carer’s Allowance) Order (Northern Ireland) 2002 ([S.R. 2002 No. 321](#)).