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STATUTORY INSTRUMENTS

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**1996 No. 3137**

**SOCIAL SECURITY**

**The Disability Working Allowance and Family Credit (General) Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>11th December 1996</i>
<i>Laid before Parliament</i>		<i>17th December 1996</i>
<i>Coming into force</i>	- -	<i>7th January 1997</i>

The Secretary of State for Social Security in exercise of powers conferred on him by sections 123(1) (b) and (c), 128(5), 129(8), 136(3) and (4), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Disability Working Allowance and Family Credit (General) Amendment Regulations 1996 and shall come into force on 7th January 1997.

**Amendments to the Disability Working Allowance (General) Regulations 1991**

2.—(1) The Disability Working Allowance (General) Regulations 1991<sup>(3)</sup> shall be amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation) after the definition of “payment” the following definition shall be inserted—

““pay period” means the period in respect of which a claimant is, or expects to be normally paid by his employer, being a week, a fortnight, four weeks, a month or other shorter or longer period, as the case may be;”

(3) In regulation 16 (normal weekly earnings of employed earners)—

(a) in paragraph (1) for the words from “by reference to” to the end of the paragraph, there shall be substituted the words “by taking account of his earnings from that employment which are received in the assessment period relevant to his case, whether the amount so

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(1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.  
(2) See the Social Security Administration Act 1992 (c. 5), section 173(1)(b); section 173(7) defines “regulations”.  
(3) S.I. 1991/2887.

received was earned in respect of that period or not, and in accordance with the following provisions of this regulation.”;

(b) in paragraphs (2) to (5) and (8) for the words “reference to” there shall be substituted the words “taking account of”.

(4) In regulation 18 (normal weekly income other than earnings) in paragraphs (1), (2), and (2A)(4) for the words “reference to” each time they are used there shall be substituted the words “taking account of”.

(5) In regulation 20(1) (calculation of weekly amount of income) for the words from “For the purposes of” to “payment is made—” there shall be substituted the words “For the purposes of regulations 16 (normal weekly earnings of employed earners) and 18 (normal weekly income other than earnings), where the claimant’s pay period or, as the case may be, the period in respect of which a payment is made—”.

### **Amendments to the Family Credit (General) Regulations 1987**

**3.—**(1) The Family Credit (General) Regulations 1987(5) shall be amended in accordance with the following paragraphs.

(2) In regulation 14 (normal weekly earnings of employed earners)—

(a) in paragraph (1) for the words from “by reference to” to the end of the paragraph, there shall be substituted the words “by taking account of his earnings from that employment which are received in the assessment period relevant to his case, whether the amount so received was earned in respect of that period or not, and in accordance with the following provisions of this regulation.”;

(b) in paragraph (2A)(6) for the words “reference to his earnings” there shall be substituted the words “taking account of his earnings received”;

(c) in paragraph (6) for the words “reference to” there shall be substituted the words “taking account of”.

(3) In regulation 14A (normal weekly earnings of directors)(7) —

(a) in paragraph (1) for the words from “by reference to” to the end of the paragraph, there shall be substituted the words “by taking account of his earnings from that employment received in the year immediately preceding the week of claim, whether the amount so received was earned in respect of that period or not.”;

(b) in paragraph (2) for the words from “determined by reference to” to “in that employment” there shall be substituted the words “determined by taking account of his earnings from that employment received in the period that he has been in that employment”.

(4) In regulation 18(1) (calculation of weekly amount of income) for the words from “For the purposes of” to “payment is made—” there shall be substituted the words “For the purposes of regulation 14 (normal weekly earnings of employed earners) and 16 (normal weekly income other than income other than earnings), where the claimant’s pay period or, as the case may be, the period in respect of which a payment is made—”.

(5) In regulation 20 (calculation of net earnings of employed earners)—

(a) in paragraph (1)(8) for the words from “earnings derived from, or” to “to his case, or,” there shall be substituted the words “earnings and”;

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(4) Paragraph (2A) was inserted by S.I. [1993/315](#).

(5) S.I. [1987/1973](#); relevant amending instruments S.I. [1988/660](#), [1438](#), [1970](#), [1992/573](#), [1994/527](#) and [2139](#).

(6) Paragraph (2A) was inserted by S.I. [1994/2139](#).

(7) Regulation 14A was inserted by S.I. [1994/527](#).

(8) Paragraph (1) was substituted by S.I. [1992/573](#), regulation 7(a).

- (b) in paragraph (3) the words “over the assessment period” shall be omitted.
- (6) In regulation 20ZA(1) (calculation of net earnings of directors)(9) the words from “derived from”, the first time they are used, to “to his case,” shall be omitted.
- (7) In regulation 23(2) (deduction of tax and contributions for self-employed earners)—
  - (a) the words “the total of” shall be omitted;
  - (b) in sub-paragraph (a)—
    - (i) for the words from “the amount of” to the words “at the date of claim” there shall be substituted the words “an amount in respect of Class 2 contributions calculated by multiplying the weekly rate of such contributions applicable at the date of claim by virtue of section 11(1) or, as the case may be, (3) of the Contributions and Benefits Act by the number of days in the assessment period and dividing the product by 7.”; and
    - (ii) for the words “section 7(5)” there shall be substituted the words “section 11(4)”;
  - (c) in sub-paragraph (b) for the words “section 9(2)” there shall be substituted the words “section 15(3)”.

Signed by authority of the Secretary of State for Social Security

Department of Social Security  
11th December 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,

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(9) Regulation 20ZA was inserted by S.I. 1994/527.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations further amend the Disability Working Allowance (General) Regulations 1991 (S.I.1991/2887) and the Family Credit (General) Regulations 1987 (S.I. 1987/1973) with respect to the earnings of employed earners and, in the case of family credit, directors, which are to be taken into account in calculating the normal weekly earnings of a claimant for disability working allowance or family credit. They also amend the manner of calculating deductions from the profits of self-employed earners in respect of social security contributions.

These Regulations do not impose a charge on business.