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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 520**

**The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996**

**Part II**

**Employed Earners**

**Earnings of employed earners**

**9.—(1)** Subject to paragraphs (2) and (3), “earnings”, in the case of employment as an employed earner, means any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to a claimant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice;
- (d) any holiday pay except any payable more than 4 weeks after the termination or interruption of employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the claimant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the claimant’s employer in respect of—
  - (i) travelling expenses incurred by the claimant between his home and place of employment,
  - (ii) expenses incurred by the claimant under arrangements made for the care of a member of his family owing to the claimant’s absence from home;
- (g) any award of compensation made under Article 146(4) or 151(3)(a) of the Employment Rights Order;
- (h) any such sum as is referred to in section 112(3) of the Contributions and Benefits Act;
- (i) where a payment of compensation is made in respect of employment which—
  - (i) is not part-time employment and that payment is not less than the maximum weekly amount, the amount of the compensation less the deductible remainder, where that is applicable,
  - (ii) is part-time employment, the amount of the compensation;
- (j) any remuneration paid by or on behalf of an employer to the claimant in respect of a period throughout which the claimant is on maternity leave or is absent from work because he is ill;
- (k) any payment made under the legislation of, or under any scheme operating in, the Republic of Ireland which is analogous to any income to which sub-paragraphs (a) to (j) relate.

- (2) For the purposes of paragraph (1)(i)(i) the “deductible remainder”—
- (a) applies in cases where dividing the amount of the compensation by the maximum weekly amount produces a whole number plus a fraction; and
  - (b) is equal to the difference between—
    - (i) the amount of the compensation, and
    - (ii) the product of the maximum weekly amount multiplied by the whole number.
- (3) “Earnings” shall not include any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
- (4) In this regulation—
- “compensation” means any payment made in respect of, or on the termination of, employment in a case where a person has not received, or has received only part of, a payment in lieu of notice due or which would have been due to him had he not waived his right to receive it, other than—
- (a) any payment specified in paragraph (1)(a) to (h);
  - (b) any payment specified in paragraph (3);
  - (c) any redundancy payment within the meaning of Article 170 of the Employment Rights Order;
  - (d) any refund of contributions to which that person was entitled under an occupational pension scheme;
- “maximum weekly amount” means the maximum weekly amount which, on the date on which the payment of compensation is made, is specified in Article 23(1) of the Employment Rights Order;
- “part-time employment” has the same meaning as in regulation 6(8) (calculation of earnings of employed earners).