

SCHEDULE 1

Regulations 10(2) and 13(2)

Sums to be Disregarded in the Calculation of Earnings

1. Any payment made to the claimant by a person who normally resides with the claimant, which is a contribution towards that person's living and accommodation costs, except where that person is residing with the claimant in circumstances to which paragraph 2 or 3 refers.

2. Where the claimant occupies a dwelling as his home and that dwelling is also occupied by another person and there is a contractual liability to make payments to the claimant in respect of the occupation of that dwelling by that person or a member of his family—

- (a) £4·00 of the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family; and
- (b) a further £9·25, where the aggregate of any such payments is inclusive of an amount for heating.

3. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such persons does not exceed £20·00, 100 per cent. of such payments; or
- (b) where the aggregate of any such payments exceeds £20·00, £20·00 plus 50 per cent. of the excess over £20·00.

4. Except in the case of a claimant who is absent from Northern Ireland and not disqualified for receiving benefit by virtue of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(1)—

- (a) any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings;
- (b) where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

5. Any earnings which are due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

6. Any payment made by an authority, or training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(2), to the claimant with whom a child is accommodated by virtue of arrangements made under Article 27(2)(a) of the Children (Northern Ireland) Order 1995(3) or by a voluntary organisation under Article 75(1)(a) of that Order.

7. Any payment made by an authority, training school or voluntary organisation to the claimant in respect of a person who is not normally a member of the claimant's household but is temporarily in his care.

8. In respect of regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(4), any earnings not earned during the period of the award.

(1) S.R. 1978 No. 114

(2) 1968 c. 34 (N.I.)

(3) S.I.1995/755 (N.I. 2)

(4) S.R. 1984 No. 92; relevant amending regulations are S.R. 1996 No. 74

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9. Any bounty paid at intervals of at least one year and derived from employment as—
 - (a) a part-time member of a fire brigade;
 - (b) an auxiliary coastguard in respect of coast rescue activities;
 - (c) a person engaged part-time in the manning or launching of a lifeboat;
 - (d) a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979⁽⁵⁾;
 - (e) a member of the Royal Ulster Constabulary Reserve appointed under section 9(1) of the Police Act (Northern Ireland) 1970⁽⁶⁾.
10. Any amount by way of refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E.
11. In the case of employment as an employed earner, any advance of earnings or any loan made by the claimant’s employer.
12. In this Schedule “authority” has the meaning given to it in Article 2(2) of the Children (Northern Ireland) Order 1995.

SCHEDULE 2

Regulations 10(2) and 13(2)

Child Care Charges to be Deducted in the Calculation of Earnings

1. This Schedule applies where a claimant is incurring relevant child care charges and is—
 - (a) a lone parent;
 - (b) a member of a couple both of whom are engaged in employment; or
 - (c) a member of a couple where one member is engaged in employment and the other member is incapacitated.
2. In this Schedule—

“relevant child care charges” means the charges paid by the claimant for care provided for any child of the claimant’s family who is under the age of 11 years, other than charges paid in respect of the child’s compulsory education or charges paid by a claimant to a partner or by a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with section 139 of the Contributions and Benefits Act, where the care is provided—

 - (a) by a person registered under Article 118 of the Children (Northern Ireland) Order 1995; or
 - (b) in a school or establishment which is exempted from registration under Article 121(1) to (3) of that Order,

and shall be calculated on a weekly basis in accordance with paragraphs 4 to 7;

“school term-time” means the school term-time applicable to the child for whom care is provided.
3. The age of a child referred to in paragraph 2 shall be determined by reference to the age of the child at the date on which the benefit week begins.

⁽⁵⁾ S.I. 1979/591; relevant amending regulations are S.I. 1980/1975 and S.I. 1994/1553

⁽⁶⁾ 1970 c. 9 (N.I.)

4. Subject to paragraphs 5 to 7, relevant child care charges shall be calculated in accordance with the formula—

$$\frac{X + Y}{52}$$

where—

X is the average weekly charge paid for child care in the most recent 4 complete weeks which fall in school term-time in respect of the child or children concerned, multiplied by 39; and

Y is the average weekly charge paid for child care in the most recent 2 complete weeks which fall out of school term-time in respect of that child or those children, multiplied by 13.

5. Subject to paragraph 6, where child care charges are being incurred in respect of a child who does not yet attend school, the relevant child care charges shall mean the average weekly charge paid for care provided in respect of that child in the most recent 4 complete weeks.

6. Where in any case child care charges are paid monthly, the average weekly charge for the purposes of paragraph 4 shall be calculated—

- (a) where the charges are for a fixed monthly amount, by multiplying that amount by 12 and dividing the product by 52;
- (b) where the charges are for variable monthly amounts, by aggregating the charges for the previous 12 months and dividing the total by 52.

7. In a case where there is no information or insufficient information for calculating the average weekly charge paid for child care in accordance with paragraphs 4 to 6, the average weekly charge shall be estimated by reference to information provided by the child minder or person providing the care or, if such information is not available, by reference to information provided by the claimant.

8. For the purposes of paragraph 1(c), the other member of a couple is incapacitated where—

- (a) housing benefit is payable under Part VII of the Contributions and Benefits Act to the other member or his partner and his applicable amount includes—
 - (i) a disability premium, or
 - (ii) a higher pensioner premium by virtue of the satisfaction of paragraph 10(2)(b) of Schedule 2 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(7), on account of the other member's incapacity or regulation 21A(1)(c) of those Regulations (treatment of child care charges) applies in that person's case;
- (b) there is payable in respect of him one or more of the following—
 - (i) long-term incapacity benefit under section 30A, 40 or 41 of the Contributions and Benefits Act(8),
 - (ii) attendance allowance under section 64 of that Act,
 - (iii) severe disablement allowance under section 68 of that Act(9),
 - (iv) disability living allowance under section 71 of that Act,
 - (v) an increase of disablement pension under section 104 of that Act,

(7) S.R. 1987 No. 461; regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274 and amended by regulation 6 of S.R. 1995 No. 89 and regulation 4 of S.R. 1995 No. 129

(8) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)); sections 40 and 41 were substituted by paragraphs 8 and 9, respectively, of Schedule 1 to that Order and section 41 was amended by paragraph 18(4) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(9) Section 68 was amended by Article 11 of, and paragraph 18 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994, regulation 3(2) of S.R. 1984 No. 317 and regulation 2(2) of S.R. 1994 No. 370

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- (vi) a pension increase under a war pension scheme or an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v);
- (c) a pension or allowance to which sub-paragraph (b)(ii), (iv), (v) or (vi) refers, was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient (other than a person who is serving a sentence imposed by a court in a prison, young offenders centre or a training school) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975⁽¹⁰⁾;
- (d) sub-paragraph (b) or (c) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding statutory provision having effect in Great Britain; or
- (e) he has an invalid carriage or other vehicle provided to him by the Department under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹¹⁾ or provided by the Secretary of State under section 5(2)(a) of, and Schedule 2 to, the National Health Service Act 1977⁽¹²⁾ or under section 46 of the National Health Service (Scotland) Act 1978⁽¹³⁾.

SCHEDULE 3

Regulations 10(3) and 13(3)

Care charges to be deducted in the Calculation of Earnings for entitlement to Invalid Care Allowance

1. This Schedule applies where a claimant is—
 - (a) entitled to invalid care allowance under section 70 of the Contributions and Benefits Act; and
 - (b) incurring relevant care charges.
2. In this Schedule—

“close relative” means a parent, son, daughter, brother, sister or partner;

“relevant care charges” means the charges paid by the claimant for care which is provided by a person, who is not a close relative of either the severely disabled person or the claimant, for

 - (a) the severely disabled person; or
 - (b) any child aged under 16 on the date on which the benefit week begins in respect of whom the claimant or his partner is entitled to child benefit under section 137 of the Contributions and Benefits Act,

because the claimant is unable to care for any of those persons because he is carrying out duties in connection with his employment;

“severely disabled person” means the severely disabled person in respect of whom entitlement to invalid care allowance arises.

⁽¹⁰⁾ S.R. 1975 No. 109

⁽¹¹⁾ S.I. 1972/1265 (N.I. 14)

⁽¹²⁾ 1977 c. 49

⁽¹³⁾ 1978 c. 29

SCHEDULE 4

Regulation 18(1)

Regulations Revoked

Column (1) Citation	Column (2) Reference	Column (3) Extent of revocation
The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978	S.R. 1978 No. 371	The whole of the Regulations
The Social Security (Overlapping Benefits and Miscellaneous Amendments) Regulations (Northern Ireland) 1979	S.R. 1979 No. 97	Regulation 8
The Social Security (Adjudication) (Consequential Amendments) Regulations (Northern Ireland) 1984	S.R. 1984 No. 174	Regulation 12
The Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984	S.R. 1984 No. 317	In Schedule 2, the entry relating to the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978
The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1984	S.R. 1984 No. 378	The whole of the Regulations
The Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1987	S.R. 1987 No. 201	The whole of the Regulations
The Social Security (Abolition of Earnings Rule) (Consequential) Regulations (Northern Ireland) 1989	S.R. 1989 No. 373	Regulation 7
The Social Security Benefit (Dependency and Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989	S.R. 1989 No. 381	Regulation 3
The Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989	S.R. 1989 No. 438	The whole of the Regulations
The Social Security (Miscellaneous Provisions)	S.R. 1990 No. 398	Regulation 4

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Column (1) Citation	Column (2) Reference	Column (3) Extent of revocation
(Amendment) Regulations (Northern Ireland) 1990		
The Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1992	S.R. 1992 No. 96	The whole of the Regulations
The Social Security (Miscellaneous Provisions) (Amendment No. 2) Regulations (Northern Ireland) 1992	S.R. 1992 No. 298	Regulation 3
The Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994	S.R. 1994 No. 485	Regulation 5
The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations (Northern Ireland) 1995	S.R. 1995 No. 150	Regulation 12
The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996	S.R. 1996 No. 289	Regulation 9
The Social Security and Child Support (Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 1996	S.R. 1996 No. 358	Regulation 35