

---

STATUTORY INSTRUMENTS

---

**1992 No. 1989**

**The Child Support (Collection and Enforcement) Regulations 1992**

**PART III**

**DEDUCTION FROM EARNINGS ORDERS**

**Interpretation of this Part**

**8.—(1)** For the purposes of this Part—

“disposable income” means the amount determined under regulation 12(1) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992<sup>(1)</sup>;

“earnings” shall be construed in accordance with paragraphs (3) and (4);

“exempt income” means the amount determined under regulation 9 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992;

“net earnings” shall be construed in accordance with paragraph (5);

“normal deduction rate” means the rate specified in a deduction from earnings order (expressed as a sum of money per week, month or other period) at which deductions are to be made from the liable person’s net earnings;

“pay-day” in relation to a liable person means an occasion on which earnings are paid to him or the day on which such earnings would normally fall to be paid;

“prescribed minimum amount” means the minimum amount prescribed in regulation 13 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992;

“protected earnings rate” means the level of earnings specified in a deduction from earnings order (expressed as a sum of money per week, month or other period) below which deductions of child support maintenance shall not be made for the purposes of this Part;

“protected income level” means the level of protected income determined in accordance with regulation 11 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992.

(2) For the purposes of this Part the relationship of employer and employee shall be treated as subsisting between two persons if one of them, as a principal and not as a servant or agent, pays to the other any sum defined as earnings under paragraph (1) and “employment”, “employer” and “employee” shall be construed accordingly.

(3) Subject to paragraph (4), “earnings” are any sums payable to a person—

(a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service);

(b) by way of pension (including an annuity in respect of past service, whether or not rendered to the person paying the annuity, and including periodical payments by way of

compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment);

(c) by way of statutory sick pay.

(4) “Earnings” shall not include—

(a) sums payable by any public department of the Government of Northern Ireland or of a territory outside the United Kingdom;

(b) pay or allowances payable to the liable person as a member of Her Majesty’s forces;

(c) pension, allowances or benefit payable under any enactment relating to social security;

(d) pension or allowances payable in respect of disablement or disability;

(e) guaranteed minimum pension within the meaning of the Social Security Pensions Act 1975<sup>(2)</sup>.

(5) “Net earnings” means the residue of earnings after deduction of—

(a) income tax;

(b) primary class I contributions under Part I of the Contributions and Benefits Act 1992<sup>(3)</sup>;

(c) amounts deductible by way of contributions to a superannuation scheme which provides for the payment of annuities or lumps sums—

(i) to the employee on his retirement at a specified age or on becoming incapacitated at some earlier age; or

(ii) on his death or otherwise, to his personal representative, widow, relatives or dependants.

---

<sup>(2)</sup> 1975 c. 60

<sup>(3)</sup> 1992 c. 4.