
STATUTORY INSTRUMENTS

1992 No. 573

The Family Credit (General) Amendment Regulations 1992

Substitution of regulation 14 of the General Regulations

4. For regulation 14 of the General Regulations (normal weekly earnings of employed earners)⁽¹⁾ there shall be substituted the following regulation—

“Normal weekly earnings of employed earners

14.—(1) Where a claimant’s income consists of earnings from employment as an employed earner, his normal weekly earnings from that employment shall, subject to paragraphs (3) to (6), be determined by reference to his weekly earnings from that employment over the assessment period relevant to his case.

(2) A claimant’s assessment period, subject to paragraphs (3) to (6), shall be, in respect of a claimant whose pay period is—

- (a) a week or a fortnight, a period of 6 consecutive weeks or, as the case may be, 3 consecutive fortnights, in the 7 weeks immediately preceding the week of claim;
- (b) four weeks or a month, a period of 12 consecutive weeks or, as the case may be, 3 consecutive months, immediately preceding the week of claim;
- (c) any period of less than one month (a shorter period), other than one to which sub-paragraph (a) or (b) refers, 6 consecutive shorter periods immediately preceding the week of claim;
- (d) any period of more than one month (a longer period), a period of one year ending immediately before the week of claim.

(3) Where during a claimant’s assessment period his earnings are reduced because of his involvement in a trade dispute at his place of employment, that assessment period shall be varied in that—

- (a) any pay period during which his earnings are so reduced shall be omitted from it; and
- (b) subject to sub-paragraph (c), his assessment period shall commence one pay period earlier (the extra period) for each period so omitted;
- (c) where any extra period under sub-paragraph (b) is one in which his earnings are reduced because of his involvement in a trade dispute at his place of employment, that extra period shall also be omitted from his assessment period and his assessment period shall commence one pay period earlier, for each extra period so omitted,

but so that his assessment period remains a period equal in length to the assessment period which would otherwise apply in his case under paragraph (2) but as if the words “consecutive” and “immediately” were omitted from that paragraph on each occasion where they appear.

(1) Relevant amending instruments are S.I.1988/1970 and 1990/574.

(4) Where a claimant's earnings, whether during his assessment period or not, include a bonus or commission which is paid within 52 weeks preceding the week of claim and that bonus or commission is paid separately from his other earnings or is paid in respect of a period longer than the pay period relating to the other earnings with which it is paid, his normal weekly earnings shall be treated as including an amount in respect of that bonus or commission calculated in accordance with regulation 20A (calculation of bonus or commission)(2).

(5) Where at the date of claim—

(a) the claimant—

(i) has been in his employment, or

(ii) after a continuous period of interruption exceeding 4 weeks, has resumed his employment, or

(iii) has changed the number of hours for which he is contracted to work; and

(b) the period of his employment or the period since he resumed his employment or the period since the change in the number of hours took place, as the case may be, is less than the assessment period in paragraph (2) appropriate in his case,

his normal weekly earnings shall be determined in accordance with paragraph (6).

(6) In a case to which this paragraph applies, the Secretary of State shall require the claimant's employer to furnish him with an estimate of the claimant's likely earnings for the pay period for which he is or will normally be paid and the claimant's normal earnings shall be determined by reference to that estimate.

(7) For the purposes of this regulation—

(a) the claimant's earnings shall be calculated in accordance with Chapter III of this Part;

(b) "pay period" means the period in respect of which a claimant is, or expects to be regularly paid by his employer, being a week, a fortnight, four weeks, a month or other shorter or longer period, as the case may be."