
STATUTORY INSTRUMENTS

2002 No. 2823

The Social Security Benefit (Computation of Earnings) (Amendment) Regulations 2002

Citation and commencement

2.—(1) Amend the Social Security Benefit (Computation of Earnings) Regulations 1996(1) as follows.

(2) In regulation 2 omit the definition in paragraph (1) of “maternity leave”.

(3) In regulation 9—

(a) for sub-paragraph (j) of paragraph (1) substitute—

“(j) any remuneration paid by or on behalf of an employer to the claimant in respect of a period throughout which the claimant is—

(i) on maternity leave;

(ii) on paternity leave;

(iii) on adoption leave; or

(iv) absent from work because he is ill.”.

(b) at the appropriate points in the alphabetical list in paragraph (4) insert the following definitions—

““adoption leave” means a period of absence from work on ordinary or additional adoption leave under section 75A or 75B of the Employment Rights Act 1996(2);”;

““maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996(3);” and

““paternity leave” means a period of absence from work on leave under section 80A or 80B of the Employment Rights Act 1996(4).”.

(4) In the provisions mentioned in paragraph (5) for “invalid care allowance” substitute “carer’s allowance(5)”.

(5) The provisions are—

(a) regulation 7(a)(i) (date on which earnings are treated as paid);

(b) regulation 10(3) (calculation of net earnings of employed earners);

(c) regulation 13(3) (calculation of net earnings of self-employed earners); and

(1) S.I.1996/2745: there are amendments which are not relevant for present purposes.

(2) 1996 c. 18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c. 22).

(3) Part 8 was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 (c. 26).

(4) Sections 80A and 80B were inserted by section 1 of the Employment Act 2002.

(5) Invalid care allowance is renamed carer’s allowance by virtue of the Regulatory Reform (Carer’s Allowance) Order 2002 (S.I. 2002/1457).

Status: This is the original version (as it was originally made).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

- (d) the heading to, and paragraph 1(a) of, Schedule 3 (care charges to be deducted in the calculation of earnings for entitlement to invalid care allowance).