

1989 No. 438

**SOCIAL SECURITY****The Social Security Benefit (Computation of Earnings)  
(Amendment) Regulations (Northern Ireland) 1989***Made* . . . . . 20th November 1989*Coming into operation* . . . . . 10th December 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 3(2) and (3) of the Social Security (Northern Ireland) Act 1975(a) and Article 31(3) of the Social Security (Northern Ireland) Order 1989(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 10th December 1989.

(2) In these regulations “the principal regulations” means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(c).

(3) The Interpretation Act 1978(d) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

*Amendment of regulation 3 of the principal regulations*

2. In regulation 3 of the principal regulations (payments to be disregarded)—

(a) in paragraph (3) for the words from “For the purposes of” to “if earnings for that day exceed £2·00” there shall be substituted “For the purposes of regulation 7(1)(g)(i) and (1)(o) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(e) (days not to be treated as days of unemployment or incapacity for work)”;

(b) after paragraph (4) there shall be added the following paragraphs—

“(5) For the purposes of regulation 7(1)(o) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984, earnings shall not be taken into account where they are paid in respect of a day which falls—

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(a) 1975 c. 15

(b) S.I. 1989/1342 (N.I. 13)

(c) S.R. 1978 No. 371; relevant amending regulations are S.R. 1984 No. 378, S.R. 1987 No. 201 and S.R. 1989 Nos. 373 and 381

(d) 1978 c. 30

(e) S.R. 1984 No. 245; regulation 7(1)(o) is added by regulation 2(a) of S.R. 1989 No. 437

- (a) before the day in respect of which a claim for unemployment benefit is made and none of the 6 days preceding the first day of the period specified in head (i) of that regulation is a day of unemployment; or
  - (b) after the day in respect of which a claim for unemployment benefit is made and all 6 days preceding the day in respect of which the claim is made are days of unemployment.
- (6) In paragraph (5) of this regulation—
- (a) “day of unemployment” shall be construed in accordance with section 17 of the Act(a);
  - (b) 6 days shall be calculated without reference to Sunday or the day substituted for it by regulation 4 of those regulations.”.

*Amendment of regulation 5 of the principal regulations*

3. In regulation 5(1)(a) of the principal regulations (calculation of earnings of certain retirement pensioners and adult dependants of pensioners) the word “or” in the first place where it occurs shall be omitted.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th November 1989.

(L.S.)

A. N. Burns

Assistant Secretary

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(a) Relevant amending provisions are Article 12(2) to (4) of the Social Security (Northern Ireland) Order 1989

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978 ("the principal regulations"). They correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Article 31(3) of the Social Security (Northern Ireland) Order 1989, one of the enabling provisions under which these regulations are made, came into operation on 23rd August 1989 by virtue of Article 1(3) of that Order.

Regulation 7(1)(o) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 provides, except in the case of lifeboatmen and part-time firemen, for a day not to be treated as a day of unemployment if that day falls within a period of 7 days in which the claimant's earnings are equal to or exceed the current lower earnings limit (£43) for Class 1 contributions. As a consequence regulation 2 of these regulations amends regulation 3 of the principal regulations to provide that in calculating earnings for the purposes of the said regulation 7(1)(o) there shall be disregarded

- payments to a member of a reserve force by way of annual bounty or in respect of authorised drill night attendances, or payments to a member of the Royal Ulster Constabulary Reserve in respect of authorised training night attendances (regulation 2(a));
- earnings paid in respect of a day falling before the beginning, or after the end, of a claim for unemployment benefit (regulation 2(b)).

Regulation 3 of these regulations makes a minor amendment to regulation 5 of the principal regulations.