
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 224

The Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016

PART 6

Recovery by deduction from earnings

Priority as between notices and orders requiring deduction from earnings

28.—(1) In this regulation—

“child support order” means a deduction from earnings order under Part 3 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992⁽¹⁾;

“other deduction order” means an order, other than a child support order, under any other statutory provision which requires deduction from a person’s earnings.

(2) Paragraphs (3) to (8) have effect subject to paragraph (9).

(3) Paragraph (4) applies where an employer would otherwise be obliged, on any pay-day, to make deductions from the earnings which the employer would otherwise pay to the liable person on that pay-day under two or more notices.

(4) Where this paragraph applies, the employer must make deductions under any later notice as if the earnings to which it relates were the residue of the liable person’s earnings after the making of any deduction to comply with any earlier notice.

(5) Paragraph (6) applies where an employer would otherwise be obliged, on any pay-day, to make deductions from the earnings which the employer would otherwise pay to the liable person on that pay-day, under one or more notices and one or more child support orders.

(6) Where this paragraph applies, the employer must first make deductions under the child support orders and then make deductions under the notices.

(7) Paragraph (8) applies where an employer would otherwise be obliged, on any pay-day, to make deductions from the earnings which the employer would otherwise pay to the liable person on that pay-day, under one or more notices and one or more other deduction orders.

(8) Where this paragraph applies, the employer must—

(a) in a case where there is at least one other deduction order in effect on the first pay-day in respect of which deductions would otherwise be made under the notice, first make deductions under the other deduction orders and then under any notices;

(b) in any other case, make deductions under the other deduction order and the notices according to the respective dates on which they were made, disregarding any later notice or order until deductions have been made under the earlier one.

(1) S.R. 1992 No. 390.

(9) An employer may only make deductions under paragraph (4), (6) or (8) up to the extent that such deductions will result in the employer paying the liable person an amount equal to or greater than the protected earnings proportion.