
STATUTORY INSTRUMENTS

1996 No. 2745

**The Social Security Benefit (Computation
of Earnings) Regulations 1996**

PART IV

**TRANSITIONAL PROVISIONS, CONSEQUENTIAL
AMENDMENTS AND REVOCATIONS**

Transitional provision for the treatment of earnings

15. In the Social Security Benefit (Dependency and Computation of Earnings) Amendment Regulations 1989(1) for paragraph (4) of regulation 4 there shall be substituted the following paragraph—

“(4) The definition of “earnings” in regulation 2(1) of The Social Security Benefit (Computation of Earnings) Regulations 1996 shall apply as though the words “or personal” were omitted.”.

Transitional provision to suspend benefit and make interim payments

16.—(1) Where the Secretary of State has prior to 25th November 1996 directed under regulation 6(1) of the Social Security Benefit (Computation of Earnings) Regulations 1978(2) (interim payments) that payment of any benefit shall be suspended and it appears to him that a question arises whether the award ought to be revised, that direction shall, unless the Secretary of State directs otherwise, continue to have effect and the benefit in question shall continue to be suspended for a further period until the amount of the claimant's earnings in respect of that further period has been determined in accordance with these Regulations.

(2) Where the Secretary of State has prior to 25th November 1996 made interim payments under regulation 6(2) of the Social Security Benefit (Computation of Earnings) Regulations 1978 and it is impracticable for a review relating to the claim to be immediately determined, he may make such further interim payments (not exceeding the amount of benefit in question which would be payable if there were no earnings less any interim payments already made) as he may think appropriate in the circumstances.

(3) After such further interim payments have been made to a claimant for any period after 25th November 1996 and the amount of the earnings in question has been determined—

- (a) if the adjudicating authority determines that for that period benefit is payable to him, the adjudicating authority shall direct that those further interim payments shall, so far as they do not exceed that benefit, be treated as having been made on account of it;
- (b) if the adjudicating authority determines that, for that period, there is payable to him—
 - (i) no benefit, or

(1) S.I.1978/1698.

(2) 1992 c. 5.

(ii) benefit which is less than the amount of those further interim payments, the Secretary of State shall require repayment of those further interim payments or (as the case may be) of so much of those further interim payments to the extent that they exceed entitlement to that benefit.

(4) The provisions of the Contributions and Benefits Act and the Social Security Administration Act 1992⁽³⁾ and of the regulations made under those Acts shall apply to any further interim payment required to be repaid by virtue of paragraph (3) as if it had been a payment of benefit required to be repaid.

(5) The provisions of the Contributions and Benefits Act and the Social Security Administration Act 1992 and of the regulations made under those Acts relating to—

- (a) the time and manner of payment of benefit,
- (b) the extinguishment of the right to sums payable by way of benefit which are not obtained within the prescribed time, and
- (c) the information to be given when obtaining payment of benefit,

shall apply to and in respect of any further interim payment by virtue of this regulation as if it were a payment of the appropriate benefit.

Consequential amendments

17. In the Social Security Benefit (Dependency) Regulations 1977⁽⁴⁾—

- (a) in regulation 8(7)(a)(ii), for the words “the period of 7 days beginning with midnight between Sunday and Monday” there shall be substituted the words “any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid or ending on the day before the first day of the first such week following the date of claim”;
- (b) in paragraph 2C of Schedule 2, for the definition of “week” there shall be substituted the following definition—

““week” means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid or ending on the day before the first day of the first such week following the date of claim.”.

Revocations and saving

18.—(1) The regulations specified in column (1) of Schedule 4 are hereby revoked to the extent mentioned in column (3) of that Schedule.

(2) In the case of a claimant who was entitled to benefit for a benefit week which started on a date prior to 25th November 1996, then in respect of each day of that benefit week the Social Security Benefit (Computation of Earnings) Regulations 1978 shall have effect in his case as if paragraph (1) had not been made.

(3) [S.I.1977/343](#); relevant amending instruments are [S.I.1984/1699](#), [1992/3041](#) and [1994/2945](#).

(4) [S.I. 1975/563](#); relevant amending instruments are [S.I. 1979/1432](#), [1988/435](#), [1989/1642](#), [1990/621](#) and [1992/1700](#).