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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 583**

**SOCIAL SECURITY**

**The Disability Working Allowance and Family Credit  
(General) (Amendment) Regulations (Northern Ireland) 1996**

*Made - - - - 13th December 1996*

*Coming into operation 7th January 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(b) and (c), 127(5), 128(8), 132(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) 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 Disability Working Allowance and Family Credit (General) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th January 1997.

(2) The Interpretation Act (Northern Ireland) 1954(2) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

**Amendment of the Disability Working Allowance (General) Regulations**

2.—(1) The Disability Working Allowance (General) Regulations (Northern Ireland) 1992(3) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation) after the definition of “payment” there shall be inserted the following definition—

““pay period” means the period in respect of which a claimant is, or expects to be normally paid by his employer, being a week, a fortnight, 4 weeks, a month or other shorter or longer period, as the case may be;”.

(3) In regulation 16 (normal weekly earnings of employed earners)—

(a) in paragraph (1) for the words from “by reference to” to the end of the paragraph there shall be substituted “by taking account of his earnings from that employment which are

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(1) 1992 c. 7

(2) 1954 c. 33 (N.I.)

(3) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1993 Nos. 120 and 373

received in the assessment period relevant to his case, whether the amount so received was earned in respect of that period or not, and in accordance with paragraphs (2) to (9).”;

(b) in paragraphs (2) to (5) and (8) for “reference to” there shall be substituted “taking account of”.

(4) In regulation 18 (normal weekly income other than earnings) in paragraphs (1), (2) and (2A)(4) for “reference to” in each place where they occur there shall be substituted “taking account of”.

(5) In regulation 20(1) (calculation of weekly amount of income) for the words from “For the purposes of” to “payment is made—” there shall be substituted “For the purposes of regulations 16 (normal weekly earnings of employed earners) and 18 (normal weekly income other than earnings), where the claimant’s pay period or, as the case may be, the period in respect of which a payment is made—”.

### **Amendment of the Family Credit (General) Regulations**

**3.—**(1) The Family Credit (General) Regulations (Northern Ireland) 1987(5) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 14(6) (normal weekly earnings of employed earners)—

(a) in paragraph (1)(7) for the words from “by reference to” to the end of the paragraph there shall be substituted “by taking account of his earnings from that employment which are received in the assessment period relevant to his case, whether the amount so received was earned in respect of that period or not, and in accordance with paragraphs (2) to (7).”;

(b) in paragraph (2A)(8) for “reference to his earnings” there shall be substituted “taking account of his earnings received”;

(c) in paragraph (6) for “reference to” there shall be substituted “taking account of”.

(3) In regulation 14A(9) (normal weekly earnings of directors)—

(a) in paragraph (1) for the words from “by reference to” to the end of the paragraph there shall be substituted “by taking account of his earnings from that employment received in the year immediately preceding the week of claim, whether the amount so received was earned in respect of that period or not.”;

(b) in paragraph (2) for the words from “determined by reference to” to “in that employment” there shall be substituted “determined by taking account of his earnings from that employment received in the period that he has been in that employment”.

(4) In regulation 18(1)(10) (calculation of weekly amount of income) for the words from “For the purposes of” to “payment is made—” there shall be substituted “For the purposes of regulations 14 (normal weekly earnings of employed earners) and 16 (normal weekly income other than earnings), where the claimant’s pay period or, as the case may be, the period in respect of which a payment is made—”.

(5) In regulation 20 (calculation of net earnings of employed earners)—

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(4) Paragraph (1) was amended and paragraph (2A) was inserted by regulation 2(3) of [S.R. 1993 No. 120](#) and paragraphs (1), (2) and (2A) were amended by regulation 2(3) and (5) of [S.R. 1993 No. 373](#)

(5) [S.R. 1987 No. 463](#); relevant amending Regulations are [S.R. 1988 Nos. 131, 303 and 423](#), [S.R. 1992 No. 148](#) and [S.R. 1994 Nos. 77 and 327](#)

(6) Regulation 14 was substituted by regulation 4 of [S.R. 1992 No. 148](#)

(7) Paragraph (1) was amended by regulation 3(3)(a) and (b) of [S.R. 1994 No. 77](#)

(8) Paragraph (2A) was inserted by regulation 3(3)(c) of [S.R. 1994 No. 327](#)

(9) Regulation 14A was inserted by regulation 3(4) of [S.R. 1994 No. 77](#)

(10) Regulation 18(1) was amended by regulation 4(a) and (b) of [S.R. 1988 No. 303](#)

- (a) in paragraph (1)(**11**) for the words from “earnings derived from, or” to “to his case or,” there shall be substituted “earnings and”;
- (b) in paragraph (3)(**12**) “over the assessment period” shall be omitted.
- (6) In regulation 20ZA(1)(**13**) (calculation of net earnings of directors) the words from “derived from” in the first place where they occur, to “to his case,” shall be omitted.
- (7) In regulation 23(2)(**14**) (deduction of tax and contributions for self-employed earners)—
  - (a) “the total of” shall be omitted;
  - (b) in sub-paragraph (a)(**15**)—
    - (i) for the words from “the amount of” to “at the date of claim” there shall be substituted “an amount in respect of Class 2 contributions calculated by multiplying the weekly rate of such contributions applicable at the date of claim by virtue of section 11(1) or, as the case may be, (3) of the Contributions and Benefits Act by the number of days in the assessment period and dividing the product by 7,”;
    - (ii) for “section 7(5)” there shall be substituted “section 11(4)”;
  - (c) in sub-paragraph (b) for “section 9(2)” there shall be substituted “section 15(3)”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th December 1996.

L.S.

*John O'Neill*  
Assistant Secretary

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(11) Paragraph (1) was substituted by regulation 7(a) of S.R. 1992 No. 148

(12) Paragraph (3) was amended by regulation 7(b) of S.R. 1992 No. 148 and regulation 3(6)(a) of S.R. 1994 No. 327

(13) Regulation 20ZA was inserted by regulation 3(9) of S.R. 1994 No. 77

(14) Paragraph (2) was amended by regulation 8(b) of S.R. 1988 No. 423

(15) Sub-paragraphs (a) and (b) were substituted by regulation 7 of S.R. 1988 No. 131

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

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## EXPLANATORY NOTE

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

These Regulations further amend the Disability Working Allowance (General) Regulations (Northern Ireland) 1992 and the Family Credit (General) Regulations (Northern Ireland) 1987 with respect to the earnings of employed earners and, in the case of family credit, directors, which are to be taken into account in calculating the normal weekly earnings of a claimant for disability working allowance or family credit. They also amend the manner of calculating deductions from the profits of self-employed earners in respect of social security contributions.

These Regulations make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.