
STATUTORY INSTRUMENTS

1989 No. 1323

**The Income Support (General)
Amendment No. 2 Regulations 1989**

Amendment of regulation 35 of the General Regulations

11. In regulation 35 of the General Regulations (earnings of employed earners)—

(a) in paragraph (1)—

(i) for the words “Subject to paragraph (2)” there shall be substituted the words “Subject to paragraphs (2) and (3),”;

(ii) in sub-paragraph (c) the words from “or any lump sum” to the end of that sub-paragraph shall be omitted;

(iii) after sub-paragraph (h) there shall be added the following—

“(i) where—

(i) a payment of compensation is made in respect of employment which is not part-time employment and that payment is not less than the maximum weekly amount, the amount of the compensation less the deductible remainder, where that is applicable;

(ii) a payment of compensation is made in respect of employment which is part-time employment, the amount of the compensation.

(1A) For the purposes of paragraph (1)(i)(i) the “deductible remainder”—

(a) applies in cases where dividing the amount of the compensation by the maximum weekly amount produces a whole number plus a fraction; and

(b) is equal to the difference between—

(i) the amount of the compensation; and

(ii) the product of the maximum weekly amount multiplied by the whole number.”.

(b) after paragraph (2) there shall be added the following paragraph—

“(3) In this regulation—

(a) “compensation” means any payment made in respect of or on the termination of employment in a case where a person has not received or received only part of a payment in lieu of notice due or which would have been due to him had he not waived his right to receive it, other than—

(i) any payment specified in paragraph (1)(a) to (h);

(ii) any payment specified in paragraph (2)(a) to (d);

(iii) any redundancy payment within the meaning of section 81(1) of the Employment Protection (Consolidation) Act 1978, and

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- (iv) any refund of contributions to which that person was entitled under an occupational pension scheme within the meaning of section 66(1) of the Social Security Pensions Act 1975(1);
- (b) “maximum weekly amount” means the maximum weekly amount which, on the date on which the payment of compensation is made, is specified in paragraph 8(1)(c) of Schedule 14 to the Employment Protection (Consolidation) Act 1978;
- (c) “part-time employment” means employment in which a person is not to be treated as engaged in remunerative work under regulation 5 or 6 (persons treated, or not treated, as engaged in remunerative work).”.