
STATUTORY INSTRUMENTS

1989 No. 2123

SOCIAL SECURITY

The Social Security Benefit (Computation of Earnings) Amendment Regulations 1989

<i>Made</i>	- - - -	<i>16th November 1989</i>
<i>Laid before Parliament</i>		<i>17th November 1989</i>
<i>Coming into force</i>	- -	<i>10th December 1989</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 3(2) and (3) and 166 of, and Schedule 20 to, the Social Security Act 1975⁽¹⁾ and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee ⁽²⁾, 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 1989 and shall come into force on 10th December 1989.

(2) In these Regulations, “the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations 1978⁽³⁾.

Amendment of regulation 3 of the Computation of Earnings Regulations

2.—(1) Regulation 3 of the Computation of Earnings Regulations (payments to be disregarded) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3)–

- (a) for the words “For the purposes of regulation 7(1)(g)(i)” there shall be substituted the words “For the purposes of regulation 7(1)(g)(i) and 7(1)(o)(4)”, and
- (b) after the words “if earnings for that day exceed £2”, (and within the bracket) there shall be added the words “or if it falls in a week in which total earnings equal or exceed the lower earnings limit”.

(3) After paragraph (4) there shall be added the following paragraphs–

(1) 1975 c. 14. Schedule 20 is cited for the meaning it ascribes to the words “Prescribe” and “Regulations”.
(2) See the Social Security Act 1980 (c. 30) (the 1980 Act), section 10(1). Section 10(1) of the 1980 Act was amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraph 98(a).
(3) S.I. 1978/1698; relevant amending instruments are S.I. 1979/359 and 1987/606.
(4) Regulation 7(1)(o) was inserted into S.I. 1983/1598 by S.I. 1989/2122.

“(5) For the purposes of regulation 7(1)(o) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983⁽⁵⁾ (days not to be treated as days of unemployment or incapacity for work), earnings shall not be taken into account where they are paid in respect of a day which falls—

- (a) before the day in respect of which a claim for unemployment benefit is made; and none of the six 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 is made; and all the six days preceding the day in respect of which the claim is made are days of unemployment.
- (6) In paragraph (5) above—
- (a) “a day of unemployment” shall be construed in accordance with section 17 of the Act; and
 - (b) six days shall be calculated without reference to Sunday or the day substituted for it by regulation 4 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983.”.

Signed by authority of the Secretary of State for Social Security.

16th November 1989

Gillian Shephard
Parliamentary Under-Secretary of State,
Department of Social Security

(5) S.I. 1983/1598; relevant amending instruments are S.I. 1984/551, 1986/1011 and 1375, 1987/317, 1988/1674, 1843 and 1989/2122. The definition of “Training Commission” was inserted by the Employment Act 1988 (c. 19) section 24(3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Computation of Earnings) Regulations 1978 in the following respects:

- (a) they amend regulation 3(3) so as to provide a disregard for payments by way of annual bounty or in respect of authorised drill night attendances to a member of a reserve force (regulation 2(2)); and
- (b) they provide that earnings shall be disregarded for the purposes of regulation 7(1)(o) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 (regulation 2(3)).

Paragraphs (2) and (3) of regulation 2 are as a consequence of the insertion of regulation 7(1)(o) into the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 by the Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment (No. 3) Regulations 1989. That 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 exceed the lower earnings limit for class 1 contributions.

The report of the Social Security Advisory Committee dated 11th October 1989 on the draft of these Regulations which have been referred to them is contained in Command Paper No. 923 published by Her Majesty's Stationery Office. It contains no recommendations about these Regulations.