
STATUTORY INSTRUMENTS

1994 No. 2139

The Income-related Benefits Schemes (Miscellaneous Amendments) (No.5) Regulations 1994

Amendment of regulation 14 of the Family Credit Regulations

12. In regulation 14 of the Family Credit Regulations (normal weekly earnings of employed earners)⁽¹⁾—

- (a) in paragraph (2)—
 - (i) for the words “paragraphs (3) to (6)” there shall be substituted the words “paragraphs (2A) to (6)”;
 - (ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) a week—
 - (i) except where head (ii) applies, a period of 6 consecutive weeks immediately preceding the week of claim; or
 - (ii) where the adjudication officer has insufficient information for the claimant’s normal weekly earnings to be determined in accordance with head (i), a period of 6 consecutive weeks ending with the week before the week immediately preceding the week of claim;”;
 - (iii) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(aa) a fortnight, a period of three consecutive fortnights in the 7 weeks immediately preceding the week of claim;”;
- (b) after paragraph (2) there shall be inserted the following paragraph—
 - “(2A) Where an adjudication officer considers, on the basis of available evidence, that the claimant has elected to work fewer hours than he would otherwise have worked in the whole or part of the assessment period referred to in paragraph (2) with the result that, but for this paragraph, he would secure entitlement or increased entitlement to family credit, the adjudication officer may determine the claimant’s normal weekly earnings by reference to his earnings during the period equal to, and ending immediately before, the period determined in accordance with paragraph (2), unless the claimant satisfies him that the reason for reducing his hours of work was otherwise than to secure such an entitlement or increased entitlement.”;
- (c) in paragraph (7)(b) for the word “regularly” there shall be substituted the word “normally”.

⁽¹⁾ Regulation 14 was substituted in the Regulations by S.I.1992/573.