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STATUTORY INSTRUMENTS

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**2009 No. 2678**

**The Social Security Benefit (Computation of Earnings) (Amendment) Regulations 2009**

**Amendment of the Social Security Benefit (Computation of Earnings) Regulations 1996**

2.—(1) The Social Security Benefit (Computation of Earnings) Regulations 1996<sup>(1)</sup> are amended as follows.

(2) In regulation 9<sup>(2)</sup> (earnings of employed earners)—

(a) for paragraph (3) substitute—

““Earnings” shall not include any payment in respect of expenses—

(a) wholly, exclusively and necessarily incurred in the performance of the duties of the employment; or

(b) arising out of the claimant’s participation in a service user group.”;

(b) in paragraph (4) at the appropriate places insert the following definitions—

““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;”;

““public authority” includes any person certain of whose functions are functions of a public nature;” and

““service user group” means a group of individuals that is consulted by or on behalf of—

(a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978<sup>(3)</sup>,

(b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985<sup>(4)</sup>,

(c) a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995<sup>(5)</sup>,

(d) a best value authority in consequence of a function under section 3 of the Local Government Act 1999<sup>(6)</sup>,

(e) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001<sup>(7)</sup>,

(f) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006<sup>(8)</sup>,

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(1) S.I. 1996/2745.

(2) Relevant amending instrument is S.I. 2002/2823.

(3) 1978 c.29.

(4) 1985 c.68.

(5) 1995 c.50.

(6) 1999 c.27.

(7) 2001 asp 10.

(8) 2006 c.41.

- (g) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006<sup>(9)</sup>,
- (h) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008<sup>(10)</sup>,
- (i) the regulator or a registered provider in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008<sup>(11)</sup>, or
- (j) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons..”.

(3) In regulation 11 (calculation of earnings of self-employed earners)—

- (a) in paragraph (2) for the words “royalties or sums paid periodically for or in respect of any copyright” substitute “any items to which paragraph (2A) applies”;
- (b) after paragraph (2) insert—

“(2A) This paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982, or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.”.

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<sup>(9)</sup> 2006 c.42.  
<sup>(10)</sup> 2008 c.14.  
<sup>(11)</sup> 2008 c.17.