

2015 No. 811

SOCIAL SECURITY, NORTHERN IRELAND

**The Social Security Benefit (Computation of Earnings)
(Amendment) Regulations (Northern Ireland) 2015**

<i>Made</i>	- - - -	<i>20th March 2015</i>
<i>Laid before Parliament</i>		<i>23rd March 2015</i>
<i>Coming into force</i>	- -	<i>1st July 2015</i>

The Treasury makes the following Regulations in exercise of the powers conferred by sections 3(2) and (3) and 171(3), (4) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, and now exercisable by them^(a).

The Department for Social Development^(b) concurs in the making of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 2015 and shall come into force on 1st July 2015.

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

2.—(1) Regulation 9 (earnings of employed earners) of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996^(c) is amended as follows.

(2) In paragraph (3)(b), for “claimant’s participation in a service user group” substitute “claimant participating as a service user”.

(3) After paragraph (3) insert—

“(3A) The reference in paragraph (3)(b) to a claimant participating as a service user is to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or

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- (a) 1992 c. 7; section 3(2) was amended, and the power to make regulations under it transferred to the Treasury by paragraph 4 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) (“the Transfer Order”). Section 171(10) was substituted by paragraph 28(3) of Schedule 3 to the Transfer Order.
- (b) The functions of the Department of Health and Social Services for Northern Ireland under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 were transferred to the Department for Social Development by Article 8(b) of, and Part 2 of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. (NI) 1999 No 481).
- (c) S.R. (NI) 1996 No 520, amended by S.I. 2009/2679; there are other amending instruments but none is relevant.

- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,
in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;
 - (b) a person who is being consulted by or on behalf of—
 - (i) the Department for Social Development in relation to any of its functions in the field of social security or child support;
 - (ii) the Department for Employment and Learning^(a) in relation to any of its functions under section 1 of the Employment and Training Act (Northern Ireland) 1950^(b) (general functions of Ministry as to employment and training for employment), or
 - (iii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,
in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person, or
 - (c) the carer of a person consulted under sub-paragraphs (a) or (b).”.
- (4) In paragraph (4), omit the definition of “service user group”.

Gavin Barwell
David Evennett

20th March 2015

Two of the Lords Commissioners of Her Majesty’s Treasury

The Department for Social Development concurs.

Sealed with the Official Seal of the Department for Social Development on 19th March 2015



Anne McLeary

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996 (S.R. (NI) 1996 No 520) and correspond to provisions contained in Regulations made by the Treasury with the concurrence of the Secretary of State for Work and Pensions in relation to Great Britain.

Regulation 2 amends the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996 to replace the existing definition of, and reference to, a service user group with the revised definition of, and reference to, a claimant participating as a service user.

A service user is a person consulted by certain statutory bodies, the Department for Social Development or the Department for Employment and Learning, or their carer (so the carer of a carer of a user may also fall within the definition). Payments of expenses arising out of the person’s participation as a service user may be disregarded when calculating earnings.

(a) Functions under the Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.)) were transferred to the Department for Employment and Learning by Article 4(b) of S.R. (NI) 1999 No 481.

(b) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I.10)), Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I.8)) and paragraph 1 of Schedule 1 to the Employment Act (Northern Ireland) 2010 (c. 12 (N.I.)) and extended by Article 8 of the Youth Employment Service (Northern Ireland) Order 1974 (S.I. 1974/2144 (N.I. 7)).

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