

2009 No. 2679

SOCIAL SECURITY, NORTHERN IRELAND

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

Made - - - - - *2nd October 2009*

Laid before Parliament *5th October 2009*

Coming into force in accordance with regulation 1

The Treasury make the following Regulations in exercise of the powers conferred on them by sections 3(2) and (3), 121(1) 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.—(1) These Regulations may be cited as the Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 2009.

(2) This regulation and regulation 2(1) and (3) shall come into force on 26th October 2009.

(3) Paragraph (2) of regulation 2, in so far as it relates to a particular beneficiary, shall come into force on the first day of the first benefit week to commence for that beneficiary on or after 26th October 2009.

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

2.—(1) The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996^(c) are amended as follows.

(2) In regulation 9^(d) (earnings of employed earners)—

(a) for paragraph (3) substitute—

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

(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 121(1) is cited because of the meaning given to the word “prescribed”. 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 II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481).

(c) S.R. 1996 No. 520.

(d) Regulation 9 was amended by SI 2002/2925.

- (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) after the definition of “paternity leave” add—
- ““public authority” has the meaning given in section 75(3) of the Northern Ireland Act 1998(a);
- “service user group” means a group of individuals that is consulted by or on behalf of—
- (a) a public authority under section 49A of the Disability Discrimination Act 1995(b),
 - (b) a council under section 1 of the Local Government (Best Value) Act (Northern Ireland) 2002(c),
 - (c) the Patient and Client Council under section 16 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(d),
 - (d) a body to which sections 17 to 19 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 applies,
 - (e) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under section 108 of the Health and Social Care Act 2008(e),
 - (f) any other public authority in Northern Ireland in consequence of a function conferred under any statutory provision,
- 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(f); 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.”.

Steve McCabe
Bob Blizzard

2nd October 2009

Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1998 c. 47.
 (b) 1995 c. 50.
 (c) 2002 c. 4 (NI).
 (d) 2009 c. 1 (NI).
 (e) 2008 c. 14.
 (f) The Public Lending Right Scheme 1982 was initially set out in the Appendix to S.I. 1982/719 and is now set out in Appendix 2 to S.I. 1990/2360.

The Department for Social Development concurs.
Sealed with the Official Seal of the Department for Social Development

30th September 2009

Anne McCleary
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.

Regulation 1 provides for citation and commencement.

Regulation 2(2) amends regulation 9 so that for employed earners any payment in respect of expenses relating to participation in a service user group is not included as earnings.

Regulation 2(3) amends regulation 11 to add reference to design, patent, and trade mark rights and to payments under the Public Lending Right Scheme and its foreign equivalents.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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ISBN 978-0-11-148599-6

£4.00