STATUTORY RULES OF NORTHERN IRELAND

1996 No. 583

SOCIAL SECURITY

The Disability Working Allowance and Family Credit (General) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*13th December 1996*
Coming into operation	*7th January 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*b*) and (*c*), 127(5), 128(8), 132(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disability Working Allowance and Family Credit (General) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th January 1997.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Disability Working Allowance (General) Regulations

2.—(1) The Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**3**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation) after the definition of "payment" there shall be inserted the following definition—

> ""pay period" means the period in respect of which a claimant is, or expects to be normally paid by his employer, being a week, a fortnight, 4 weeks, a month or other shorter or longer period, as the case may be;".

(3) In regulation 16 (normal weekly earnings of employed earners)—

(a) in paragraph (1) for the words from "by reference to" to the end of the paragraph there shall be substituted "by taking account of his earnings from that employment which are

(**1**) 1992 c. 7
(**2**) 1954 c. 33 (N.I.)
(**3**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1993 Nos. 120 and 373

received in the assessment period relevant to his case, whether the amount so received was earned in respect of that period or not, and in accordance with paragraphs (2) to (9).";

(b) in paragraphs (2) to (5) and (8) for "reference to" there shall be substituted "taking account of".

(4) In regulation 18 (normal weekly income other than earnings) in paragraphs (1), (2) and (2A)(**4**) for "reference to" in each place where they occur there shall be substituted "taking account of".

(5) In regulation 20(1) (calculation of weekly amount of income) for the words from "For the purposes of" to "payment is made—" there shall be substituted "For the purposes of regulations 16 (normal weekly earnings of employed earners) and 18 (normal weekly income other than earnings), where the claimant's pay period or, as the case may be, the period in respect of which a payment is made—".

Amendment of the Family Credit (General) Regulations

3.—(1) The Family Credit (General) Regulations (Northern Ireland) 1987(**5**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 14(**6**) (normal weekly earnings of employed earners)—

(a) in paragraph (1)(**7**) for the words from "by reference to" to the end of the paragraph there shall be substituted "by taking account of his earnings from that employment which are received in the assessment period relevant to his case, whether the amount so received was earned in respect of that period or not, and in accordance with paragraphs (2) to (7).";

(b) in paragraph (2A)(**8**) for "reference to his earnings" there shall be substituted "taking account of his earnings received";

(c) in paragraph (6) for "reference to" there shall be substituted "taking account of".

(3) In regulation 14A(**9**) (normal weekly earnings of directors)—

(a) in paragraph (1) for the words from "by reference to" to the end of the paragraph there shall be substituted "by taking account of his earnings from that employment received in the year immediately preceding the week of claim, whether the amount so received was earned in respect of that period or not.";

(b) in paragraph (2) for the words from "determined by reference to" to "in that employment" there shall be substituted "determined by taking account of his earnings from that employment received in the period that he has been in that employment".

(4) In regulation 18(1)(**10**) (calculation of weekly amount of income) for the words from "For the purposes of" to "payment is made—" there shall be substituted "For the purposes of regulations 14 (normal weekly earnings of employed earners) and 16 (normal weekly income other than earnings), where the claimant's pay period or, as the case may be, the period in respect of which a payment is made—".

(5) In regulation 20 (calculation of net earnings of employed earners)—

(**4**) Paragraph (1) was amended and paragraph (2A) was inserted by regulation 2(3) of S.R. 1993 No. 120 and paragraphs (1), (2) and (2A) were amended by regulation 2(3) and (5) of S.R. 1993 No. 373
(**5**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1988 Nos. 131, 303 and 423, S.R. 1992 No. 148 and S.R. 1994 Nos. 77 and 327
(**6**) Regulation 14 was substituted by regulation 4 of S.R. 1992 No. 148
(**7**) Paragraph (1) was amended by regulation 3(3)(*a*) and (*b*) of S.R. 1994 No. 77
(**8**) Paragraph (2A) was inserted by regulation 3(3)(*c*) of S.R. 1994 No. 327
(**9**) Regulation 14A was inserted by regulation 3(4) of S.R. 1994 No. 77
(**10**) Regulation 18(1) was amended by regulation 4(*a*) and (*b*) of S.R. 1988 No. 303