1972. No. 105 **[C]**

SUPPLEMENTARY BENEFITS

Recovery by Deductions from Earnings

REGULATIONS, DATED 28TH MARCH 1972, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE SUPPLEMENTARY BENEFITS ACTS (NORTHERN IRELAND) 1966 TO 1971.

The Ministry of Health and Social Services, in exercise of powers conferred by section 18(1) of the Supplementary Benefits &c. Act (Northern Ireland) 1966(**a**) and by section 2 of the Social Security Act (Northern Ireland) 1971(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 38(2) of the Supplementary Benefits &c. Act (Northern Ireland) 1966:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Recovery by Deductions from Earnings) Regulations (Northern Ireland) 1972 and shall come into operation on 3rd April 1972.

(2) In these regulations—

"the 1966 Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

"the 1971 Act" means the Social Security Act (Northern Ireland) 1971;

"benefit" means benefit under the 1966 Act and includes benefit recoverable under section 2 (2) of the 1971 Act;

"employee" means a person falling within section 2 (1) of the 1971 Act who has been without employment by reason of a stoppage of work due to a trade dispute at his place of employment;

"employer" means the employer of an employee;

"Part I" means Part I of Schedule 1 to the 1971 Act.

(3) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address or in the case of an employer at the place of business where the employee is ordinarily employed.

Resumption of work between payment days

2.—(1) This regulation applies where in relation to an employee claiming benefit the following conditions are satisfied—

(*a*) he was entitled to benefit during a stoppage of work due to a trade dispute; and

(*b*) he is a person to whom section 2(2) of the 1971 Act (benefit to be recoverable) would but for this regulation apply; and

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(**a**) 1966. c. 28 (N.I.).
(**b**) 1971. c. 28 (N.I.).

(*c*) the Ministry had arranged for more than one payment day in the terminal week; and

(*d*) the payment day applicable to that employee in the terminal week was a day other than the earlier or earliest of the several payment days in that week; and

(*e*) work was resumed by employees after the first payment day of the terminal week but, by reason only of the arrangements for payment days made by the Ministry, before benefit was paid, or an instrument of payment was issued, to that employee for that week.

(2) Where this regulation has effect the employee shall be entitled to benefit in respect of the terminal week on the same terms as if the payment day applicable to him had been the earlier or earliest of such days relating to that week.

(3) Benefit to which an employee is entitled by virtue of this regulation shall not be recoverable under section 2(2) of the 1971 Act.

(4) In this regulation—

"instrument of payment" means a serial order or any other instrument whatsoever which is intended to enable a person to obtain payment of benefit;

"payment day" means the day of the terminal week on which benefit is paid, or an instrument of payment is issued, to an employee;

"the terminal week" means the period of seven days during which work was resumed by employees after a stoppage of work and ending with the last of the several payment days which by virtue of the arrangements for payment days made by the Ministry form a single group.

Earnings not paid weekly

3.—(1) Where a deduction notice is served on the employer of an employee whose earnings are payable otherwise than weekly, Part I shall have effect with the adaptations applicable under the following provisions of this regulation.

(2) Where the employee's earnings are payable at two-weekly intervals, or at periods of some other multiple of a week, for the purposes of paragraph 4 of Part I the amount of the protected earnings shall be twice, or the other appropriate multiple, as the case may be, of that specified in the deduction notice, and the references to one-tenth shall be treated as references to one-fifth or to the other appropriate multiple of one-tenth, as the case may be, of the notified amount; and in paragraph 6(3) of Part I references to protected earnings and to one-tenth shall be adapted in the same manner.

(3) Where the employee is paid monthly Part I shall be adapted in the same manner as under paragraph (2) but as if he were paid every five weeks.

(4) Where the employee's earnings are payable daily, for the purposes of paragraph 4 of Part I the amount of the protected earnings as specified in the deduction notice shall be divided by five and the references to one-tenth shall be treated as references to one-fiftieth; and in paragraph 6(3) of Part I references to protected earnings and to one-tenth shall be adapted in the same manner.

(5) Where the employee's earnings include any bonus, commission or other similar payment payable on a day or days other than the day (hereafter in this paragraph called "the normal pay-day") on which the remainder of his wages or salary is normally paid, then in order to calculate the employee's available earnings for the purposes of Part I, any such bonus, commission or other