2002 No. 2823

SOCIAL SECURITY

The Social Security Benefit (Computation of Earnings) (Amendment) 2002

Made - - - -	*14th November 2002*
Laid before Parliament	*15th November 2002*
Coming into force - -	
for certain purposes -	*8th December 2002*
for all other purposes	*1st April 2003*

The Treasury, in exercise of the powers conferred upon them by section 3(2) and (3) of the Social Security Contributions and Benefits Act 1992**(a)**, with the concurrence of the Secretary of State, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Benefit (Computation of Earnings) (Amendment) Regulations 2002 and shall come into force–

(a) for the purposes of the amendments made by paragraphs (2) and (3) of regulation 2 on 8th December 2002; and

(b) for all other purposes on 1st April 2003.

[Regulation 2 amends regulations 2 and 9 of S.I. 1996/2745.]

Philip Woolas

John Heppell

14th November 2002 Two of the Lords Commissioners of Her Majesty's Treasury

The Secretary of State hereby concurs.

P. Hollis

Parliamentary Under Secretary of State,

14th November 2002 Department for Work and Pensions

(a) 1992 c. 4. Section 3(2) was amended, and the power to make regulations under it transferred to the Treasury, by paragraph 3 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Computation of Earnings) Regulations 1996 (S.I. 1996/2745).

Regulation 1 provides for the citation and commencement of these Regulations.

Regulation 2 amends the 1996 Regulations. Paragraph (1) introduces the amendments. Paragraph (2) omits the definition of maternity leave (which is used only in regulation 9) from regulation 2(1). Paragraph (3) amends regulation 9 as follows. It substitutes a new sub-paragraph (j) in regulation 9(1). The effect is that earnings for benefit purposes include not only remuneration paid to a claimant during a period of maternity leave or sick absence but also any payment of remuneration during a period of adoption leave under section 75A or 75B of the Employment Rights Act 1996 (c. 18) or paternity leave under section 80A or 80B or of that Act. Paragraph (3) also inserts definitions of "adoption leave", "maternity leave" and "paternity leave" in regulation 9(4). Paragraphs (4) and (5) make amendments to regulations 7, 10 and 13 and Schedule 3 consequent on the renaming of invalid care allowance as carer's allowance under the Regulatory Reform (Carer's Allowance) Order 2002 (S.I. 2002/1457).