STATUTORY INSTRUMENTS

1971 No. 1497

SOCIAL SECURITY

The National Insurance (Earnings-related Benefit) Amendment Regulations 1971

Made - - -	10*th September* 1971
Laid before Parliament	17*th September* 1971
Coming into Operation	20*th September* 1971

The National Insurance Joint Authority, in exercise of powers conferred by section 114(5) of the National Insurance Act 1965**(a)**, and the Secretary of State for Social Services, in exercise of powers under section 2(8) of the National Insurance Act 1966**(b)**, and in each case in exercise of all other powers enabling them in that behalf, hereby make the following regulations, which contain no provisions other than such as are made in consequence of the National Insurance Act 1971**(c)**, or operate with reference to the amount of a person's earnings and are made under section 2 of the said Act of 1966 or made for the purposes of the said section 2 under section 114(5) of the said Act of 1965, and which accordingly, by virtue of section 16(3) of and paragraph 2(1) of Schedule 6 to the said Act of 1971, are exempt from the provisions of section 108 of the said Act of 1965 (reference to the National Insurance Advisory Committee):—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Earnings-related Benefit) Amendment Regulations 1971, shall be read as one with the National Insurance (Earnings-related Benefit) Regulations 1966**(d)**, as amended **(e)**, (hereinafter referred to as "the principal regulations"), and shall come into operation on 20th September 1971.

Amendments to the National Insurance (Earnings-related Benefit) Regulations 1966

2.—(1) The principal regulations shall be further amended in accordance with the following provisions of this regulation.

(2) For paragraph (1) of regulation 3 there shall be substituted the following paragraphs:—

"(1) For the purpose only of ascertaining a person's reckonable earnings, there shall be disregarded any payment of remuneration made to that person—

(*a*) to the extent that the Inspector of Taxes has, under regulations made under section 204 (pay as you earn) of the Income and Corporation Taxes Act 1970**(f)**, directed that it shall be disregarded by the person's employer in calculating the tax to be deducted or repaid under those regulations;
or

(a) 1965 c. 51. (b) 1966 c. 6. (c) 1971 c. 50. (d) S.I. 1966/959 (1966 II, p. 2306).
(e) The relevant amending instrument is S.I. 1970/46 (1970 I, p. 243). (f) 1970 c. 10.

(*b*) in so far as it is a payment in respect of a period of holiday, where the sum paid is derived directly or indirectly from a fund to which more than one employer contributes and the management and control of which are not vested in those employers, or where the person making the payment is entitled to be reimbursed from such a fund.

(1A) For the purposes only of calculating or estimating a person's reckonable earnings in any income tax year, sums received by way of earnings shall be treated as included in his earnings for the year in which they are received notwithstanding that, in whole or in part, they are paid in respect of a period which falls within some other income tax year."

(3) In paragraphs (3) and (4) of regulation 3, for the words "section 157" there shall be substituted the words "section 204".

(4) For the provisions of the Schedule (being provisions for the avoidance of fractional amounts and to facilitate computation) there shall be substituted the provisions set out in the Schedule to these regulations.

Transitory provisions

3. The provisions of regulation 3(1A) of the principal regulations, as inserted by regulation 2 of these regulations, shall not apply—

(*a*) in any case where the reckonable earnings are being calculated or estimated for the purpose of ascertaining a person's entitlement to benefit in respect of any day which is part of a period of interruption of employment which commenced before these regulations come into operation;

(*b*) in any case where the reckonable earnings are being calculated or estimated for the purpose of widow's supplementary allowance and either—

(i) the husband died before the coming into operation of these regulations, or

(ii) by virtue of regulation 7 of the principal regulations the appropriate income tax year is the income tax year which was the relevant income tax year for the purpose of earnings-related supplement for such day as that regulation specifies and by virtue of the foregoing provisions of this regulation the said regulation 3(1A) did not apply or would not have applied, as the case may be, in his case for that day.

Keith Joseph,
Secretary of State for Social Services.

9th September 1971.

Given under the Official Seal of the National Insurance Joint Authority.

(L.S.)

D. G. Kelly,
Secretary,
National Insurance Joint Authority.

10th September 1971.

Regulation 2

SCHEDULE

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULE TO THE NATIONAL INSURANCE (EARNINGS-RELATED BENEFIT) REGULATIONS 1966

Tables of annual reckonable earnings with corresponding figures for one-third of the excess up to £21 of average weekly earnings over £9 and 85 per cent of average weekly earnings.

Annual reckonable earnings (1)	One third of the excess up to £21 of average weekly earnings over £9 (2)	85 per cent of average weekly earnings (3)	Annual reckonable earnings (1)	One third of the excess up to £21 of average weekly earnings over £9 (2)	85 per cent of average weekly earnings (3)
£	£	£	£	£	£
450	0·05	7·90	1080	4·25	18·63
465	0·15	8·15	1095	4·35	18·88
480	0·25	8·43	1110	4·45	19·13
495	0·35	8·68	1125	4·55	19·38
510	0·45	8·93	1140	4·65	19·63
525	0·55	9·18	1155	4·75	19·90
540	0·65	9·43	1170	4·85	20·15
555	0·75	9·70	1185	4·95	20·40
570	0·85	9·95	1200	5·05	20·65
585	0·95	10·20	1215	5·15	20·90
600	1·05	10·45	1230	5·25	21·18
615	1·15	10·70	1245	5·35	21·43
630	1·25	10·98	1260	5·45	21·68
645	1·35	11·23	1275	5·55	21·93
660	1·45	11·48	1290	5·65	22·18
675	1·55	11·73	1305	5·75	22·45
690	1·65	11·98	1320	5·85	22·70
705	1·75	12·25	1335	5·95	22·95
720	1·85	12·50	1350	6·05	23·20
735	1·95	12·75	1365	6·15	23·45
750	2·05	13·00	1380	6·25	23·73
765	2·15	13·25	1395	6·35	23·98
780	2·25	13·53	1410	6·45	24·23
795	2·35	13·78	1425	6·55	24·48
810	2·45	14·03	1440	6·65	24·73
825	2·55	14·28	1455	6·75	25·00
840	2·65	14·53	1470	6·85	25·25
855	2·75	14·80	1485	6·95	25·50
870	2·85	15·05	1500	7·00	25·75
885	2·95	15·30	1515	7·00	26·00
900	3·05	15·55	1530	7·00	26·28
915	3·15	15·80	1545	7·00	26·53
930	3·25	16·08	1560	7·00	26·78
945	3·35	16·33	1575	7·00	27·03
960	3·45	16·58	1590	7·00	27·28
975	3·55	16·83	1605	7·00	27·55
990	3·65	17·08	1620	7·00	27·80
1005	3·75	17·35	1635	7·00	28·05
1020	3·85	17·60	1650	7·00	28·30
1035	3·95	17·85	1665	7·00	28·55
1050	4·05	18·10	1680	7.00	28·83
1065	4·15	18·35	1695	7·00	29·08

Annual reckonable earnings (1)	One third of the excess up to £21 of average weekly earnings over £9 (2)	85 per cent of average weekly earnings (3)	Annual reckonable earnings (1)	One third of the excess up to £21 of average weekly earnings over £9 (2)	85 per cent of average weekly earnings (3)
£	£	£	£	£	£
1710	7·00	29·33	1920	7·00	32·90
1725	7·00	29·58	1935	7·00	33·15
1740	7·00	29·83	1950	7·00	33·40
1755	7·00	30·10	1965	7·00	33·65
1770	7·00	30·35	1980	7·00	33·93
1785	7·00	30·60	1995	7·00	34·18
1800	7·00	30·85	2010	7·00	34·43
1815	7·00	31·10	2025	7·00	34·68
1830	7·00	31·38	2040	7·00	34·93
1845	7·00	31·63	2055	7·00	35·20
1860	7·00	31·88	2070	7·00	35·45
1875	7·00	32·13	2085	7·00	35·70
1890	7·00	32·38	2100	7·00	35·70
1905	7·00	32·65			

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the National Insurance (Earnings-related Benefit) Regulations 1966. By virtue of paragraph 2 of Schedule 6 to the National Insurance Act 1971 they are exempt from reference to the National Insurance Advisory Committee and no such reference has been made.

The regulations provide that in calculating a person's reckonable earnings sums are to be included in his earnings for the income tax year in which they are received; hitherto they have been included in the earnings for the year in which they were earned.

The regulations contain an extended table for ascertaining benefit and 85 per cent of average weekly earnings. This is calculated on the same basis as the table it replaces.

The regulations also contain transitional provisions.

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