STATUTORY INSTRUMENTS

2015 No. 784

SOCIAL SECURITY

The Social Security Benefit (Computation of Earnings) (Amendment) Regulations 2015

Made - - - -	*19th March 2015*
Laid before Parliament	*20th March 2015*
Coming into force - -	*1st July 2015*

The Treasury makes the following Regulations with the concurrence of the Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 3(2) and (3) and 175(1), (1A), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**a**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**b**).

Citation and commencement

1. These Regulations may be cited as the Social Security Benefit (Computation of Earnings) (Amendment) Regulations 2015 and come into force on 1st July 2015.

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

2.—(1) Regulation 9 of the Social Security Benefit (Computation of Earnings) Regulations 1996(**c**) (earnings of employed earners) is amended as follows.

(2) In paragraph (3)(b), for "claimant's participation in a service user group" substitute "claimant participating as a service user".

(3) After paragraph (3) insert—

"(3A) The reference in paragraph (3)(b) to a claimant participating as a service user is to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,

(**a**) 1992 c.4. Section 3(2) was amended and the power to make Regulations under that provision was transferred to the Treasury by paragraph 3 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Paragraph 29 of Schedule 3 to that Act amended paragraph (1) and inserted paragraph (1A) of section 175. Section 175(1A) was subsequently amended by Schedule 6 to the Tax Credits Act 2002 (c.21).

(**b**) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(**c**) S.I. 1996/2745; relevant amending instruments are S.I. 2009/2678, 2010/671.

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;

(b) a person who is being consulted by or on behalf of—

(i) the Secretary of State in relation to any of his functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973(**a**); or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,

in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

(c) the carer of a person consulted under sub-paragraphs (a) or (b).".

(4) In paragraph (4), omit the definition of "service user group".

Alun Cairns
David Evennett
19th March 2015 Two of the Lords Commissioners of Her Majesty's Treasury

The Secretary of State for Work and Pensions concurs
Signed by authority of the Secretary of State for Work and Pensions

Esther McVey
Minister of State
18th March 2015 Department for Work and Pensions

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) to replace the existing definition of, and reference to, a service user group with the revised definition of, and reference to, a claimant participating as a service user.

A service user is a person consulted by certain statutory bodies or the Secretary of State, or their carer (so the carer of a carer of a user may also fall within the definition). Payments of expenses arising out of the person's participation as a service user may be disregarded when calculating earnings.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. The instrument has no impact on the public sector.

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(**a**) 1973 c.50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19). It was amended by section 29(4) of, and Schedule 7 to, the Employment Act 1989 (c.38) and, in relation to the making of arrangements by the Secretary of State in relation to Scotland, by section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c.19).

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