

## EARNINGS - ALL BENEFITS COVERED BY THE COMPUTATION OF EARNINGS REGULATIONS

Contents	Paragraphs
Introduction	1
Earnings of employed earners	2
Service users	3
Service user group	4 - 5
Calculation of earnings of self-employed earners	6
Annotations	
Contacts	

### INTRODUCTION

- 1 The Social Security Benefit (Computation of Earnings) Regulations 1996 are amended by The Social Security Benefit (Computation of Earnings) (Amendment) Regulations 2009<sup>1</sup>. The changes come into force on or after 26.10.09. See the relevant paragraphs below for the actual date.

*1 SI 2009 No. 2678*

### EARNINGS OF EMPLOYED EARNERS

- 2 The earnings of an employed earner do not include any payment in respect of expenses arising out of a claimant's participation in a service user group<sup>1</sup>. This change comes into force for that claimant from the first day of the first benefit week starting on or after 26.10.09<sup>2</sup>.

*1 SS Ben (C of E) Regs, reg 9(3); 2 SS Benefit (Computation of Earnings) (Amendment) Regs 2009, reg 1(3)*

### Example

John is a member of a service user group. He receives travel expenses to attend the meetings, as well as being paid for his involvement in the service user group. His

travel expenses are not earnings. The DM takes account of John's earnings as a service user but not the expenses.

John's benefit week starts on Thursday. This change would apply to him from Thursday 29.10.09.

## **Service users**

- 3 Local authorities and public authorities have legal requirements to consult members of the public about the way that services are designed, delivered and monitored. These service users may receive expenses and payment for the time spent while part of a service user group.

## **Service user group**

- 4 A service user group<sup>1</sup> is a group of individuals that is consulted, in consequence of a function under certain legislation, by or on behalf of certain bodies or authorities - see paragraph 5 below - for the purposes of monitoring and advising on their

1. policies which affect or may affect persons in the group, **or**
2. services which are used (or may potentially be used) by those persons.

*1 SS Ben (C of E) Regs, reg 9(4)*

- 5 The bodies or authorities<sup>1</sup> and the associated legislation are
1. in Scotland, a Health Board, Special Health Board or Agency<sup>2</sup> **or**
  2. a landlord authority<sup>3</sup> **or**
  3. a public authority<sup>4</sup> **or**
  4. a best value authority<sup>5</sup> **or**
  5. in Scotland, an LA landlord or registered social landlord<sup>6</sup> **or**
  6. a relevant English or Welsh health body<sup>7</sup> **or**
  7. a Local Health Board in Wales<sup>8</sup> **or**
  8. the Commission or the Office of the Health Professions Adjudicator<sup>9</sup> **or**
  9. the regulator or registered provider<sup>10</sup> **or**

**10.** an LA or public authority in GB as a result of a function provided for under an enactment.

**Note 1:** A public authority includes any person whose functions include functions of a public nature<sup>11</sup>.

**Note 2:** An enactment includes legislation made in or under an Act of the Scottish Parliament<sup>12</sup>.

*1 SS Ben (C of E) Regs, reg 9(4); 2 NHS (Scot) Act 78, s 2B; 3 Housing Act 1985, s 105;  
4 Disability Discrimination Act 1995, s 49A; 5 Local Government Act 1999, s 3;  
6 Housing (Scotland) Act 2001, s 53; 7 National Health Service Act 2006, s 242;  
8 National Health Service (Wales) Act 2006, s 183; 9 Health and Social Care Act 2008, s 4, 5 or 108;  
10 Housing and Regeneration Act 2008, s 98, 193 or 196; 11 SS Ben (C of E) Regs, reg 9(4); 12 reg 9(4)*

## **CALCULATION OF EARNINGS OF SELF-EMPLOYED EARNERS**

6 A claimant's earnings from self-employment may include royalties or sums paid periodically for or in respect of any copyright. From 26.10.09<sup>1</sup> this has been extended and covers<sup>2</sup>

1. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; **or**

2. any payment in respect of any

2.1 book registered under the Public Lending Right Scheme 1982, **or**

2.2 work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

*1 SS Benefit (Computation of Earnings) (Amendment) Regs 2009, reg 1(2); 2 SS Ben (C of E) Regs, reg 11(2) and (2A)*

## **ANNOTATIONS**

The number of this memo - (Memo DMG 34/09) - should be noted against the following DMG paragraphs:-

15025 and 15504.

## **CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, GS36, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo DMG 26/08 - Obtaining legal advice and guidance from DMA Leeds.

**DMA Leeds: October 2009**