

SCHEDULE

Sums to be disregarded in the calculation of earnings

3. Any payment to which regulation 58(1)(f) applies—
 - (a) which is due to be paid more than 52 weeks after the date of termination of the employment in respect of which the payment is made; or
 - (b) which is a compensatory award within the meaning of section 118(1)(b) of the Employment Rights Act 1996⁽¹⁾ for so long as such an award remains unpaid and the employer is insolvent within the meaning of section 127 of that Act.

⁽¹⁾ Section 118 was amended by section 8 of the Public Interest Disclosure Act 1998 (c.23), Schedule 9 to the Employment Relations Act 1999 (c.26), paragraph 21 of Schedule 1 to the Employment Rights (Dispute Resolution) Act 1998 (c.8) and paragraph 38 of Schedule 7 and Schedule 8 to the Employment Act 2002.