

1975 No. 51

SOCIAL SECURITY

The National Insurance (Non-participation—Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975*Made* 6th March 1975*Coming into operation* 6th April 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by paragraphs 4 and 6(1) and (2)(a) and (b) of Schedule 26 to the Social Security Act 1973(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Non-participation—Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975 and shall come into operation on 6th April 1975.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance Act (Northern Ireland) 1966(b);

“the 1973 Act” means the Social Security Act 1973;

“the Certificates Regulations” means the National Insurance (Non-participation—Certificates) Regulations (Northern Ireland) 1960(c), as amended(d);

“the Continuity of Employment Regulations” means the National Insurance (Non-participation—Continuity of Employment) Regulations (Northern Ireland) 1961(e);

and other expressions have the same meaning as in the Act.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(f) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1973 c. 38

(b) 1966 c. 6 (N.I.)

(c) S.R. & O. (N.I.) 1960 No. 22 (p. 64)

(d) S.R. & O. (N.I.) 1961 No. 241 (p. 977), S.R. & O. (N.I.) 1963 No. 71 (p. 225) and S.R. & O. (N.I.) 1965 No. 11 (p. 23)

(e) S.R. & O. (N.I.) 1961 No. 57 (p. 193)

(f) 1889 c. 63

Continuance in force of certain provisions of the Act and regulations

2. For the purposes of facilitating the winding up of the system of insurance under the Act and the disposal of matters connected with that system, and of temporarily retaining for transitional purposes the effect of certain provisions which are repealed by section 100(2)(b) of and Schedule 28 to the 1973 Act and of certain regulations made, or having effect as if made, by virtue of those repealed provisions, there shall continue in force the provisions of the Act specified in the following provisions of these regulations, subject to the modifications therein specified, and the regulations specified in the following provisions of these regulations shall be subject to the modifications therein specified.

Continuance and modification of sections of the Act

3.—(1) Sections 55(5) to (7) (issue and cancellation of certificates of non-participation), 73 (determination of certain questions under Part III of the Act), 83(1) and (3) to (6) (expenses) and 106(1) (interpretation) of the Act shall continue in force.

(2) Section 55(5) and (6) shall be so modified—

- (a) as to require regulations to provide for the issue after 5th April 1975 of such certificates as are mentioned in those subsections only in respect of periods ending before 6th April 1975; and
- (b) as to provide that all certificates issued before 6th April 1975 which would otherwise still be effective on that date shall be treated as cancelled on that date.

(3) Section 73 shall be modified so that neither the Arbitration Act (Northern Ireland) 1937(g) nor section 23 of the Interpretation Act (Northern Ireland) 1954(h) shall apply to any proceedings under it.

Modification of the Certificates Regulations

4.—(1) The Certificates Regulations shall be modified as mentioned in the following paragraphs of this regulation.

(2) Part II of the Certificates Regulations (notices and elections) shall be so modified as to apply only where an election is made or revoked after 5th April 1975 with a view to the issue, variation or cancellation of a certificate that an employment is to be treated as having been a non-participating employment for a period ending before 6th April 1975 and the employer has before 1st March 1975 given notice of intention in accordance with regulation 3 to make or revoke that election.

(3) Regulation 14 (issue, variation, cancellation and surrender of certificates) shall be so modified—

- (a) as to operate only in its application to the issue and variation of certificates after 5th April 1975 to the effect that an employment is to be treated as having been a non-participating employment for a period ending before 6th April 1975;
- (b) as to enable the registrar to vary a certificate, subject to the proviso to regulation 14(3), in the circumstances mentioned in regulation 14(3) and also in order to rectify errors in the description of persons specified in the certificate (including errors consisting of the total omission of any reference to particular persons); and
- (c) that regulation 14(6) shall have effect as if proviso (b) thereto were omitted.

(4) Regulation 15(1) (further information and change of circumstances) shall be so modified that, notwithstanding the provisions of regulation 3(2) of these regulations, an employer to whom a certificate has been issued shall continue to be under the obligations mentioned in regulation 15(1), as if the certificate had remained in force, until the employer has, in respect of each person to whom the certificate relates, either assured him of equivalent pension benefits or made a payment in lieu of contributions under Part III of the Act; and so that when such benefits have been assured or such payments made in respect of all the persons to whom the certificate relates, the employer shall so inform the registrar.

(5) Regulation 15(2) (penalties for failure to give the registrar certain information) shall be so modified as to have effect as if the references to penalties were references to a penalty not exceeding £50, or, where the offence consists of continuing any failure to notify or to give notice after conviction thereof, £10 for each day on which it is so continued.

Continuance and modification of the Continuity of Employment Regulations

5. The Continuity of Employment Regulations shall be so modified as to have effect as if the references to non-participating employment were references to an employment which is or was or but for the repeal of section 55 of the Act would have been a non-participating employment, and as if the references to penalties were references to a penalty not exceeding £50, or, where the offence consists of continuing any failure to give notice after conviction thereof, £10 for each day on which it is so continued.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 6th March 1975.

(L.S.)

C. G. Oakes

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make provision for transitional matters arising out of the partial repeal of the National Insurance Act (Northern Ireland) 1966, and provide for the continuance in force, subject in some cases to modifications, of certain sections of that Act and for the modification of certain regulations made, or having effect as if made, under that Act. In particular, provision is made for the determination of certain questions by the registrar of non-participating employments and the adjudicator, the issue, variation and cancellation of certificates of non-participation for periods before 6th April 1975, and the duty of employers to whom certificates have been issued to furnish information to the registrar, to continue on and after 6th April 1975.