

## 1989 No. 112

## SOCIAL SECURITY

**The Social Security (Contributions) (Amendment No. 3)  
Regulations (Northern Ireland) 1989**

*Made* . . . . . 29th March 1989

*Coming into operation* . . . . . 6th April 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 1(6) and 8(1) of the Social Security (Northern Ireland) Act 1975(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 Social Security (Contributions) (Amendment No. 3) Regulations (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

(2) In these regulations “the principal regulations” means the Social Security (Contributions) Regulations (Northern Ireland) 1979(b).

*Amendment of regulation 28 of the principal regulations*

2. Subject to regulation 5 of these regulations, in regulation 28(2)(b) of the principal regulations (precluded Class 3 contributions) for “widow’s allowance or death grant and he has not satisfied those conditions” there shall be substituted “widow’s payment and he has not satisfied that condition”.

*Amendment of regulation 111 of the principal regulations*

3. For sub-paragraph (e) of regulation 111(1) of the principal regulations (conditions as to residence or presence in Northern Ireland) there shall be substituted the following sub-paragraph—

“(e) as respects entitlement of a person to pay Class 3 contributions in respect of any year, that—

- (i) that person is resident in Northern Ireland throughout that year,
- (ii) that person has arrived in Northern Ireland during that year and has been or is liable to pay Class 1 or Class 2 contributions in respect of an earlier period during that year,

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(a) 1975 c. 15; section 8(1) was amended by Article 3(1) of the Social Security and Family Allowances (Northern Ireland) Order 1976 (S.I. 1976/427 (N.I. 9)), Article 12(1)(a) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and, with effect from 6th April 1989, Article 4 of S.R. 1989 No. 9

(b) S.R. 1979 No. 186; relevant amending regulations are S.R. 1984 No. 43 and S.R. 1987 No. 468

- (iii) that person has arrived in Northern Ireland during that year and was either ordinarily resident in Northern Ireland throughout the whole of that year or became ordinarily resident during the course of it, or
- (iv) that person not being ordinarily resident in Northern Ireland has arrived in that year or the previous year and has been continuously present in Northern Ireland for 26 complete contribution weeks, entitlement where the arrival has been in the previous year arising in respect only of the next year.”.

*Amendment of regulation 113 of the principal regulations*

4.—(1) Regulation 113 of the principal regulations (Class 2 and Class 3 contributions for periods abroad) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In paragraph (1) for “the next succeeding paragraph” there shall be substituted “paragraph (2) of this regulation”.

(3) After paragraph (1) there shall be inserted the following paragraph—

“(1A) A person who is gainfully employed outside Northern Ireland and falls within the provisions of sub-paragraph (a) of the last preceding paragraph shall for the purposes of that paragraph be treated as being outside Northern Ireland for any period during which he is temporarily in Northern Ireland.”.

(4) In paragraph (2) for “the last preceding paragraph” there shall be substituted “paragraph (1) of this regulation”.

*Savings*

5. For the purposes of determining whether a person is entitled to pay Class 3 contributions under paragraph (2) of regulation 28 of the principal regulations, sub-paragraph (b) of that paragraph shall continue to have effect in relation to any death occurring before 11th April 1988 as though regulation 2 of these regulations had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th March 1989.

(L.S.)

A. N. Burns

Assistant Secretary

## EXPLANATORY NOTE

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

These regulations further amend the Social Security (Contributions) Regulations (Northern Ireland) 1979 ("the principal regulations"). They correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 amends regulation 28 of the principal regulations consequent on the provision of a widow's payment in place of widow's allowance and the abolition of death grant.

Regulation 3 amends regulation 111 of the principal regulations by providing for entitlement of certain persons arriving in Northern Ireland from abroad to pay Class 3 contributions.

Regulation 4 amends regulation 113 of the principal regulations by extending entitlement to pay Class 2 contributions to those gainfully employed outside Northern Ireland to cover temporary periods in Northern Ireland.

Regulation 5 contains savings.