

1994 No. 92

SOCIAL SECURITY

The Social Security (Categorisation of Earners) (Amendment) Regulations (Northern Ireland) 1994*Made* 14th March 1994*Coming into operation* 6th April 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 2(2) and 7(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(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 (Categorisation of Earners) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 6th April 1994.

(2) In these regulations “the principal regulations” means the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978(b).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation) after the definition of “educational establishment” there shall be inserted the following definitions—

“ “foreign employer” in paragraph 7(c) of Schedule 3 to these regulations means a person—

- (a) who does not fulfil the conditions as to residence or presence in Northern Ireland prescribed under section 1(6)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(d); and
- (b) who, if he did fulfil the conditions as to residence or presence in Northern Ireland referred to in paragraph (a) of this definition, would be the secondary contributor in relation to any payment of earnings to, or for the benefit of, the person employed;

(a) 1992 c. 7

(b) S.R. 1978 No. 401; relevant amending regulations are S.R. 1980 No. 405 and S.R. 1984 No. 81

(c) Paragraph 7 is added by regulation 4 of these regulations

(d) See regulation 111 of S.R. 1979 No. 186; relevant amending regulations are S.R. 1992 No. 41

“host employer” in paragraph 7 of Schedule 3 to these regulations means a person having a place of business in Northern Ireland;”.

Amendment of Schedule 1 to the principal regulations

3. In Part III of Schedule 1 to the principal regulations (employments which are to be disregarded) after paragraph 12(a) there shall be added the following paragraphs—

(a) in column (A)—

“13. Employment (other than employment described in paragraph 12 of column (A) of this Schedule) as a Queen’s Gurkha officer or as any other member of the Brigade of Gurkhas of a person who was recruited for that Brigade in Nepal.”;

(b) in column (B)—

“13. None.”.

Amendment of Schedule 3 to the principal regulations

4. In Schedule 3 to the principal regulations (employments in respect of which persons are treated as secondary Class 1 contributors) after paragraph 6 there shall be added the following paragraphs—

(a) in column (A)—

“7. Employment by a foreign employer where—

(a) in pursuance of that employment the personal service of the person employed is made available to a host employer; and

(b) the personal service is rendered for the purposes of the business of that host employer; and

(c) that personal service for the host employer begins on or after 6th April 1994.”;

(b) in column (B)—

“7. The host employer to whom the personal service of the person employed is made available.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 14th March 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 ("the principal regulations").

Regulation 2 amends regulation 1 of the principal regulations by inserting definitions of "foreign employer" and "host employer".

Regulation 3 amends Part III of Schedule 1 to the principal regulations by extending the description of employments to be disregarded in relation to liability for contributions to members of the Brigade of Gurkhas recruited in Nepal.

Regulation 4 amends Schedule 3 to the principal regulations by extending the description of employments in respect of which persons are treated as secondary Class 1 contributors to workers seconded, on or after 6th April 1994, by foreign employers to employers in Northern Ireland.

These regulations make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

1994 No. 93**Road Races (Circuit of Ireland Rally)
Order (Northern Ireland) 1994**

This Order, being of a temporary character, is not printed at length in this volume.