

1961. No. 241

[C]

NATIONAL INSURANCE

Non-participating Employment

REGULATIONS, DATED 18TH DECEMBER, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AND THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

The Ministry of Labour and National Insurance, in exercise of powers conferred by sections 8(1) and 40 of the National Insurance Act (Northern Ireland), 1946(a), and sections 6(7) and 12(1) and (2) of the National Insurance Act (Northern Ireland), 1959(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Non-participating Employment—Miscellaneous Provisions) Regulations (Northern Ireland), 1961, shall come into operation on the 1st January, 1962.

(2) In these regulations—

“the Collection of Contributions Regulations” means the National Insurance and Industrial Injuries (Collection of Contributions) Regulations (Northern Ireland), 1948(c);

“the Non-participation—Certificates Regulations” means the National Insurance (Non-participation—Certificates) Regulations (Northern Ireland), 1960(d).

Amendment of regulation 8(3A) of the Collection of Contributions Regulations

2.—(1) Paragraph (3A) of regulation 8 of the Collection of Contributions Regulations (which regulation provides which of two or more employers shall be treated as a person's employer for the purposes of the provisions of the National Insurance Acts (Northern Ireland), 1946, relating to contributions) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule.

(2) The word “either” in the said paragraph (3A) shall be omitted.

(3) After sub-paragraph (b) of the said paragraph (3A) there shall be inserted the following sub-paragraph:

“or

(c) he is, in relation to that employment, an employed person by virtue of section 57 of the National Insurance Act, 1946(e), or any regulations made thereunder.”

(a) 1946. c. 23.

(b) 1959. c. 21.

(c) S.R. & O. (N.I.) 1948, No. 258 as amended by S.R. & O. (N.I.) 1959, No. 26 and 1960, No. 194.

(d) S.R. & O. (N.I.) 1960, No. 22.

(e) 9 & 10 Geo. 6. c. 67.

Amendment of regulations 3(2) and 14(9) of the Non-participation—Certificates Regulations

3. Paragraph (2) of regulation 3 of the Non-participation—Certificates Regulations (which paragraph requires certain notices by an employer of his intention to make or revoke an election to be delivered or sent by registered post) and paragraph (9) of regulation 14 of the said regulations (which paragraph provides for any certificate or notice required by that regulation to be sent to or served on an employer to be treated as duly sent or served if sent to him by registered post) shall be amended by the insertion after the words "registered post" where they appear in the said paragraph (2) and the said paragraph (9) of the words "or by recorded delivery service".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 18th day of December, nineteen hundred and sixty-one.

(L.S.)

H. A. Lowry,
Assistant Secretary.

SCHEDULE

Regulation 2

Regulation 8(3A) of the Collection of Contributions Regulations as amended*

(3A) In the application of the foregoing paragraphs of this regulation to an insured person who is employed both in a non-participating employment and in a participating employment in the same contribution week, his employment in the participating employment shall be disregarded unless—

- (a) if it were so disregarded no contribution under the Act would be payable in respect of him for that week by virtue of any non-participating employment; or
- (b) the first employer employing him in that week did not employ him in a non-participating employment at any time therein; or
- (c) *he is, in relation to that employment, an employed person by virtue of section 57 of the National Insurance Act, 1946, or any regulations made thereunder.*

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Collection of Contributions) Regulations (Northern Ireland), 1948, in relation to the liability for contributions in respect of persons employed in non-participating employment while on release leave from Her Majesty's Forces.

The Regulations also amend the National Insurance (Non-participation—Certificates) Regulations (Northern Ireland), 1960, by making provision to enable certificates of non-participation and certain notices required to be sent by the registrar and by employers to be sent by recorded delivery service as an alternative to registered post.

*The words added by these regulations are shown in italics.