

1968 No. 1684

SOCIAL SECURITY

**The National Insurance (Classification)
Amendment Regulations 1968**

Made - - - - -	23rd October 1968
Laid before Parliament	29th October 1968
Coming into Operation	4th November 1968

The Minister of Social Security, in conjunction with the Treasury, in exercise of powers conferred by sections 1(3) and 16(1) of the National Insurance Act 1965(a), and of all other powers enabling her in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them in accordance with section 108 of that Act, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Classification) Amendment Regulations 1968, shall be read as one with the National Insurance (Classification) Regulations 1948(b), as amended(c) (hereinafter referred to as “the principal regulations”) and shall come into operation on 4th November 1968.

Amendment of regulation 1(2) of the principal regulations

2. For the definition of “nurse” in regulation 1(2) of the principal regulations, there shall be substituted the following definition:—

“‘nurse’ means any person within the class of persons who under section 1 of the Nurses Agencies Act 1957(d) or section 27 of the Nurses (Scotland) Act 1951(e) and any regulations made thereunder(f) may lawfully be supplied from an agency for the supply of nurses;”

Amendment to Part I of Schedule 1 to the principal regulations

3. In Part I of Schedule 1 to the principal regulations (which Part sets out in column (A) employments in respect of which persons are treated as employed persons, and in column (B) the persons excepted from the operation of column (A)) immediately after paragraph 5A there shall be added—

(a) in column (A) the following paragraph:—

“5B. Employment (notwithstanding that it is not employment under a contract of service) as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.”; and

(b) in column (B):—

“5B. None.”

(a) 1965 c. 51.

(b) S.I. 1948/1425 (Rev. XVI, p. 95: 1948 I, p. 2738).

(c) The relevant amending instrument is S.I. 1957/2175 (1957 I, p. 1623).

(d) 1957 c. 16. (e) 1951 c. 55. (f) See S.I. 1961/1214, 1219 (1961 II, p. 2412, 2421).

Amendment of Part II of Schedule 1 to the principal regulations

4. In Part II of Schedule 1 to the principal regulations (which Part sets out in column (A) employments in respect of which persons are treated as self-employed persons and, in column (B), the persons excepted from the operation of column (A)), for paragraph 10 of column (B), which provides that no person shall be excepted from the operation of paragraph 10 of column (A) (employment by any one employer in any contribution week where the person employed renders services for not more than 4 or 8 hours in a week) there shall be substituted the following paragraph:—

“10. Any person employed in any contribution week in any employment specified in paragraph 10 of column (A) which is one of two or more such employments by different employers who carry on business in association, to the extent following:—

- (a) where in the immediately preceding week or weeks the person has been in the employment of any one or more such employers and has rendered or normally would have rendered services in that employment or those employments for more than 8 hours a week in aggregate, in respect of any services rendered by him in such employment or employments in the contribution week in excess of 4 hours in aggregate;
- (b) in any other case, in respect of services rendered by him in such employments in the contribution week in excess of 8 hours in aggregate.”

Amendments to Schedule 3 to the principal regulations

5.—(1) Schedule 3 to the principal regulations (which sets out in column (B) the persons who are to be treated for the purposes of the National Insurance Act 1965 as employers of persons employed in the employments specified in column (A) thereof) shall be amended in accordance with the following paragraphs of this regulation.

(2) For paragraph 3 there shall be substituted the following paragraph:—

(a) in column (A) thereof:—

“3. Employment of a nurse as a nurse for the sick or as a midwife, whether under a contract of service or not, not being employment specified in paragraph 4 of column (B) of Schedule 1 to these regulations, or paragraph 14 of column (A) of that Schedule, where the pecuniary remuneration in respect of that employment is received—

- (a) from, or on the nurse's behalf by, any person carrying on an agency for the supply of nurses within the meaning of the Nurses Agencies Act 1957 or the Nurses (Scotland) Act 1951; or
- (b) from any local authority; or
- (c) from any person or body of persons carrying on a hospital.”; and

(b) in column (B) thereof:—

“3. Where the pecuniary remuneration is received on the nurse's behalf by any person carrying on such an agency as is specified in sub-paragraph (a) of column (A), the agency and in any other case, the person or body from whom the pecuniary remuneration is received.”

(3) Immediately after paragraph 6 there shall be added :—

(a) in column (A) the following paragraph :—

“ 7. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.” ;
and

(b) in column (B) the following paragraph :—

“ 7. (a) Where the person employed is supplied by, or through the agency of, some third person and receives his remuneration from, or through the agency of that third person, that third person ;

(b) in any other case, the person with whom the person employed contracted to do the work.”

Judith Hart,
Minister of Social Security.

23rd October 1968.

Joseph Harper,
Harry Gourlay,
Two of the Lords Commissioners
of Her Majesty's Treasury.

23rd October 1968.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain amendments to the National Insurance (Classification) Regulations 1948.

Regulation 3 provides for the inclusion among employments in respect of which persons are treated as employed persons, employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house. Regulation 4 excludes from employments in respect of which persons are treated as self-employed persons, persons who are employed by two or more employers who carry on business in association when the services in those employments have exceeded 4 or 8 hours in any contribution week in aggregate. Regulation 5 prescribes the person who shall be treated for the purposes of the National Insurance Act 1965 as the employer of the office cleaner referred to in regulation 3, and of a nurse whose pecuniary remuneration is received from, or on the nurse's behalf by, an agency for the supply of nurses or who receives pecuniary remuneration from any local authority, or from any person or body of persons carrying on a hospital.

The remaining provisions are of a minor character.

The report, dated 14th October 1968, of the National Insurance Advisory Committee on the preliminary draft of these Regulations is contained in a Command Paper (Cmnd. 3798) published by Her Majesty's Stationery Office.