
 STATUTORY INSTRUMENTS

1974 No. 10

SOCIAL SECURITY

**The National Insurance (Classification) Amendment
Regulations 1974**

<i>Made</i>	- - -	<i>3rd January 1974</i>
<i>Laid before Parliament</i>		<i>15th January 1974</i>
<i>Coming into Operation</i>		<i>4th February 1974</i>

The Secretary of State for Social Services (**a**), in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed (**b**), in exercise of his powers under sections 1(3) and 16(1) of the National Insurance Act 1965(**c**), and of all other powers enabling him 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 1974, shall be read as one with the National Insurance (Classification) Regulations 1972(**d**), as amended (**e**) (hereinafter referred to as “the principal regulations”) and shall come into operation on the 4th February 1974.

Amendment of Regulation 6 of the principal regulations

2.—(1) In regulation 6 of the principal regulations (effect of Regulations for the purposes of section 43 of the Act) for the words “section 43 of the Act (increase of benefit for adult dependants)” there shall be substituted the words “section 43 or section 43A of the Act (increase of benefit for adult dependants or increase of retirement pension or invalidity pension for adult dependants)”.

(2) In the shoulder note to the said regulation 6 for the words “section 43” there shall be substituted the words “section 43 or section 43A”.

(**a**) For transfer of functions from the Minister of Pensions and National Insurance to (eventually) the Secretary of State, see Ministry of Social Security Act 1966 (c. 20) and S.I. 1968/1699 (1968 III, p. 4585).

(**b**) See National Insurance Act 1965, section 106(5).

(**c**) 1965 c. 51.

(**d**) S.I. 1972/555 (1972 I, p. 1861).

(**e**) There is no amendment which relates expressly to the subject matter of these Regulations.

Amendment of Part III of Schedule 1 to the principal regulations

3. In Part III of Schedule 1 to the principal regulations (which Part sets out in column (A) employments in respect of which persons are treated as non-employed persons and their employment therein disregarded and in column (B) the persons excepted from the operation of column (A)), paragraph 33 of columns (A) and (B) (employment, involving part-time service only, in the performance of clerical duties after 6 p.m., or outside the ordinary hours of work) is hereby revoked.

Amendment of Schedule 3 to the principal regulations

4.—(1) Schedule 3 to the principal regulations (which sets out in column (B) the persons who are to be treated as employers of persons employed in the employments specified in column (A)) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 7(b) of column (B) of the said Schedule 3 after the words “in any other case,” there shall be inserted the words “except where the employment is also one specified in paragraph 9 in column (A) of this Schedule.”.

(3) In paragraph 8 in column (A) of the said Schedule 3 for the words “to which any other paragraph of this Schedule applies”, there shall be substituted the words “to which any preceding paragraph of this Schedule applies”.

(4) After paragraph 8 of the said Schedule 3 there shall be added—

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

“9. Employment (not being employment in respect of which an employer, in any particular case, is prescribed in paragraph 7(a) in column (B) of this Schedule, and not being employment specified in paragraph 8 in column (A) of that Schedule) by a company, being a company within the meaning of the Companies Act 1948(a) and in voluntary liquidation but carrying on business under a liquidator.”; and

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

“9. The person who at the time of the employment holds the office of liquidator.”

Keith Joseph,

Secretary of State for Social Services.

31st December 1973.

Hugh Rossi,

John Stradling Thomas,

Two of the Lords Commissioners
of Her Majesty's Treasury.

3rd January 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Classification) Regulations 1972.

Regulation 2 provides for the principal Regulations not to have effect for the purpose of determining any question whether or not a person is engaged in a gainful occupation which arises under section 43A of the National Insurance Act 1965.

Regulation 3 revokes the provisions of the principal Regulations for employment involving part-time service only in clerical duties after 6 p.m. or outside the ordinary hours of work to be disregarded.

Regulation 4 provides for the holder of the office of liquidator of a company in voluntary liquidation but carrying on business to be treated as the employer of persons employed in the company at the time and makes minor amendments consequential thereto.

The report of the National Insurance Advisory Committee dated 19th November 1973 on the preliminary draft of these Regulations is contained in House of Commons Paper No. 101 (Session 1973-74) published by Her Majesty's Stationery Office.

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