

1976 No. 88

SOCIAL SECURITY

The Social Security (Contributions) Amendment Regulations
1976

Made - - - 23rd January 1976

Laid before Parliament 4th February 1976

Coming into Operation 25th February 1976

The Secretary of State for Social Services, in exercise of the powers conferred upon her by sections 1(6), 3, 8(1) and 11(3) of, and paragraphs 3(1), 6(1)(c) and (m), 6(3) and 8 of Schedule 1 to, the Social Security Act 1975(a), and of all other powers enabling her in that behalf, after considering the report of the National Insurance Advisory Committee on the draft submitted to them in accordance with section 139 of that Act, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Social Security (Contributions) Amendment Regulations 1976, shall be read as one with the Social Security (Contributions) Regulations 1975(b) (hereinafter referred to as the “principal regulations”) and shall come into operation on 25th February 1976.

Amendment of regulation 17 of the principal regulations

2. In regulation 17(1) of the principal regulations (payments to be disregarded) after sub-paragraph (f) there shall be added the following sub-paragraph—

“(g) any payment by way of a pension.”

Amendment of regulation 20 of the principal regulations

3. In regulation 20(1) of the principal regulations (exception from liability for Class 2 contributions)—

(a) in sub-paragraph (a) for the words “injury benefit, or unemployability supplement” there shall be substituted the words “or injury benefit”;

(b) after sub-paragraph (d) there shall be added the following—

“or

(e) in respect of any part of which the earner is in receipt of unemployability supplement or invalid care allowance.”

(a) 1975 c. 14.

(b) S.I. 1975/492 (1975 I, p. 1516).

Amendment of regulation 25 of the principal regulations

4. In regulation 25 of the principal regulations (Class 3 contributions not paid within prescribed periods)—

- (a) for the words “a contribution under the provisions or regulation 24 of these regulations (Class 3 contributions)” there shall be substituted the words “a Class 3 contribution under the provisions of regulation 24, 114(2)(b) or 115 of these regulations”;
- (b) for the words “in the period provided for payment in the said provision applicable” there shall be substituted the words “in the appropriate period prescribed therefor”.

Insertion of regulation 36A in the principal regulations

5. After regulation 36 of the principal regulations there shall be inserted the following regulation—

“Treatment for the purpose of any contributory benefit of contributions paid under an arrangement.

36A. For the purposes of the foregoing provisions of this Part of these regulations—

- (a) where a contribution is paid under an arrangement to which regulations 41 and 41A or, as the case may be, regulation 46(3) apply the date by which but for those provisions the contribution would have fallen due to be paid shall in relation to that contribution be the due date;
- (b) any payment made of, or as on account of, a contribution in accordance with any such arrangement shall, on and after the due date, be treated as a contribution paid on the due date.”

Insertion of regulations 41A and 41B in the principal regulations

6. After regulation 41 of the principal regulations there shall be inserted the following regulations—

“Special provisions relating to primary Class 1 contributions

41A.—(1) Where by virtue of an arrangement authorised under the last preceding regulation an earner has agreed that, notwithstanding the provisions of paragraph 3(1) of Schedule 1 to the Act (method of paying Class 1 contributions), he himself will pay any primary Class 1 contribution payable in respect of earnings paid to or for his benefit in respect of an employed earner's employment, the Secretary of State shall notify the secondary contributor in writing of the arrangement and of the period to which the arrangement relates.

(2) During the said period the said paragraph 3(1) shall not apply to the secondary contributor unless and until the arrangement has been cancelled before the end of the period and the secondary contributor has been notified in writing of the cancellation.

Exception in relation to earnings to which regulation 41A applies

41B.—(1) Where in any year an earner has earnings from more than one employed earner's employments and to the earnings paid in respect of at least one of those employments the provisions of the last preceding regulation

apply and to the earnings paid in respect of at least one of those employments those provisions do not apply, the following provisions of this regulation shall have effect.

(2) If in respect of any payment made in that year of earnings to which the provisions of the last preceding regulation do not apply the earner has paid by way of contributions a sum equal to at least the smaller of the two amounts specified in the next succeeding paragraph, he shall be excepted from liability to pay contributions in respect of any payment made in that year of earnings to which the said provisions apply.

(3) The amounts referred to in the last preceding paragraph are—

- (a) 52 primary Class 1 contributions at the rate applicable to the earner on earnings at the upper earnings limit, or
- (b) 12 primary Class 1 contributions at the rate applicable to the earner on earnings at the upper earnings limit for persons paid monthly.”

Amendment of regulation 42 of the principal regulations

7. In regulation 42(1)(b) of the principal regulations (special provisions relating to secondary contributors exempted by treaty etc. from enforcement of the Act or from liability under it) for the words “who is willing” there shall be substituted the words “who is not willing”.

Amendment of regulation 115 of the principal regulations

8. In regulation 115(3)(a) of the principal regulations (Class 2 and 3 contributions for periods abroad) for the words following the words “contributions under the Act” there shall be substituted the words “the earnings factor derived from which is not less than 50 times the lower earnings limit for the time being for Class 1 contributions”.

Minor amendments of the principal regulations

9. The provisions of the principal regulations specified in column 2 of Schedule A to these regulations shall be amended in accordance with the provisions set out opposite thereto in column 4 of that Schedule.

Barbara Castle,
Secretary of State for Social Services.

23rd January 1976.

SCHEDULE A

Regulation 9

MINOR AMENDMENTS OF PRINCIPAL REGULATIONS

Column 1	Column 2	Column 3	Column 4
Item	Provision of Principal Regulations	Description	Amendment
1	Regulation 12	Change of earnings period.	In paragraph (4) after the words "the old period" there shall be inserted the word "and".
2	Regulation 17	Payments to be disregarded.	In paragraph (1) for the words "is it" there shall be substituted the words "it is". In paragraph (4) after the words "an earner in" there shall be inserted the words "respect of any".
3	Regulation 20	Exception from liability for Class 2 contributions	In paragraph (1)(c)— (a) for the words "in is" there shall be substituted the words "is in"; (b) there shall be deleted the word "or".
4	Regulation 47	Deduction of contributions from pensions etc.	In paragraph (a)(ii) for the reference "24(b)" there shall be substituted the reference "24(4)(b)".
5	Schedule 3, (so far as it relates to section 13 of the Stamp Duties Management Act 1891).	Certain offences in relation to stamps.	In paragraph (6) for the words "any stamp which" there shall be substituted the words "any stamp, any stamp or part of a stamp which".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Social Security (Contributions) Regulations 1975 ("the principal Regulations").

They make provision for paragraph 3(1) of Schedule 1 to the Social Security Act 1975 (liability in the first instance of secondary contributor to pay primary Class 1 contributions) not to apply in respect of earnings from any employed earner's employment where by virtue of an arrangement under regulation 41 of the principal Regulations the earner has agreed himself to pay any primary Class 1 contribution payable in respect of those earnings. They also make provision in such a case for the earner to be excepted from liability to pay those contributions if he has paid in respect of his earnings from an employment which is not subject to the arrangement an amount equal to 52 primary Class 1 contributions at the rate applicable to him on earnings at the upper earnings limit. They further make provision for contributions paid in accordance with the arrangement to be treated as paid on the due date.

The Regulations also provide for payments by way of pensions to be disregarded in the calculation of earnings; and for a self-employed earner to be excepted from liability for Class 2 contributions for any week in which he is in receipt of an invalid care allowance.

The Regulations also extend the provisions of regulation 25 of the principal Regulations (Class 3 contributions not paid within prescribed periods) to Class 3 contributions payable for periods abroad.

The other amendments are of a minor nature.

The report of the National Insurance Advisory Committee on the draft of these regulations dated 13th January 1976 is contained in House of Commons Paper No. 138 (Session 1975-76) published by Her Majesty's Stationery Office.

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