

ELIZABETH II



National Insurance Surcharge Act 1982

1982 CHAPTER 55

An Act to reduce the surcharge imposed by the National Insurance Surcharge Act 1976. [22nd December 1982]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to subsections (2) and (3) below, in section 1(1) of the National Insurance Surcharge Act 1976 (surcharge on earnings in respect of which secondary Class 1 contributions are payable) for the words “2½ per cent.” there are substituted the words “1½ per cent.”. Reduction of national insurance surcharge. 1976 c. 85.

(2) In relation to any secondary Class 1 contribution which a body mentioned in section 143(4) of the Finance Act 1982 is liable to pay in respect of earnings paid in the tax year 1983–84, section 1(1) of the Act of 1976 shall have effect as if the rate of the surcharge imposed thereby were 2½ per cent. 1982 c. 39.

(3) Subsections (1) and (2) above have effect in respect of earnings paid on or after 6th April 1983.

(4) Every person (other than a body mentioned in section 143(4) of the Finance Act 1982) who is liable to pay, in respect

of earnings paid in the tax year 1982–83, the surcharge imposed by the Act of 1976, shall be entitled to a reduction in the amount of his liability in respect of the surcharge for that tax year calculated in accordance with the following provisions of this section.

(5) The reduction to which a person is entitled under subsection (4) above shall be an amount equal to 3 per cent. of the aggregate amount of—

- (a) the primary and secondary Class 1 contributions paid by him, or which he is liable to pay, as a secondary Class 1 contributor in respect of any earnings paid in the tax year 1982–83; and
- (b) the surcharge payable by him under the Act of 1976 (disregarding subsection (4) above) in respect of any such earnings.

(6) The Schedule to this Act has effect for the purpose of supplementing subsections (4) and (5) above; and any amount to which a person is entitled by virtue of subsection (4) above shall be recoverable in accordance with the provisions of that Schedule.

Short title
etc.

2.—(1) This Act may be cited as the National Insurance Surcharge Act 1982.

(2) This Act extends to Northern Ireland.

SCHEDULE

SUPPLEMENTARY PROVISIONS

Methods of recovery

1. Any amount to which a person (the “employer”) is entitled by virtue of section 1(4) of this Act shall be recoverable—

- (a) by deduction in three stages in accordance with paragraph 2 below; or
- (b) from the Commissioners of Inland Revenue in accordance with paragraph 3 below.

2.—(1) The amount recoverable by deduction at the first stage shall be equal to 3 per cent. of such part of the aggregate amount mentioned in section 1(5) of this Act as is attributable to earnings paid before 6th February 1983.

(2) The amount recoverable by deduction at the second stage shall be equal to 3 per cent. of such part of the aggregate amount mentioned in section 1(5) as is attributable to earnings paid before 6th March 1983 but shall be reduced by any amount recovered at the first stage either by deduction or under paragraph 3 below.

(3) The amount recoverable by deduction at the third stage shall be so much of the amount to which the employer is entitled by virtue of section 1(4) of this Act as remains unrecovered.

(4) The amount recoverable by deduction at any stage shall be deducted by the employer from the contribution payments which would otherwise be paid or payable by him in the appropriate period.

(5) In sub-paragraph (4) above—

“contribution payments” means payments by way of primary or secondary Class 1 contributions which the employer pays or is liable to pay as a secondary Class 1 contributor and any surcharge payable with those secondary Class 1 contributions; and

“the appropriate period” means the period of 14 days beginning—

- (a) in relation to the first stage, with 6th February 1983;
- (b) in relation to the second stage, with 6th March 1983;
- (c) in relation to the third stage, with 6th April 1983.

3. Where, at any of the three stages, the employer fails to recover the whole, or any part, of the amount which he is entitled to recover at that stage by deduction under paragraph 2 above he may recover from the Commissioners so much of that amount as remains unrecovered.

Effect on liability for Class 1 contributions

4. Nothing in this Act shall affect the liability incurred by any person in relation to secondary or primary Class 1 contributions in respect of the tax year 1982–83; but the amount of any deduction made under paragraph 2(4) above shall be treated as having been duly

paid by that person towards the discharge of that liability so far as it exceeds the amount of the surcharge comprised in the contribution payments from which that deduction is made.

5. In this Act—

1975 c. 14.
1975 c. 15.

“primary Class 1 contribution” means a primary Class 1 contribution payable under the Social Security Act 1975 or, in the application of this Act to Northern Ireland, the Social Security (Northern Ireland) Act 1975;

“secondary Class 1 contribution” means a secondary Class 1 contribution so payable;

“tax year” means the 12 months beginning with 6th April.

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