

1972 No. 555

## SOCIAL SECURITY

## The National Insurance (Classification) Regulations 1972

<i>Made - - - -</i>	<i>6th April 1972</i>
<i>Laid before Parliament</i>	<i>17th April 1972</i>
<i>Coming into Operation</i>	<i>8th May 1972</i>

The Secretary of State for Social Services, in conjunction with the Treasury, in exercise of powers under sections 1(3) and 16(1) of the National Insurance Act 1965(a), and of all other powers enabling him in that behalf and for the purpose only of consolidating the regulations hereby revoked, hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Classification) Regulations 1972, and shall come into operation on 8th May 1972.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance Act 1965;

“the Secretary of State” means the Secretary of State for Social Services;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

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

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall, except in so far as the context otherwise requires, be construed as including references to such enactment or regulations as amended or extended by or under any other enactment, order or regulations and as including references to any enactment or regulations thereby consolidated.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply in relation to this instrument and in relation to any revocation effected thereby as if this instrument, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

(a) 1965 c. 51.  
(c) 1951 c. 55.  
(e) 1889 c. 63.

(b) 1957 c. 16.  
(d) S.I. 1961/1214, 1219 (1961 II, pp. 2412, 2421).

*Classification of insured persons*

2.—(1) For the purposes of the Act, the classification of insured persons shall be modified in accordance with the following paragraphs of this regulation.

(2) Subject to the provisions of paragraphs (3) and (4) of this regulation, every insured person shall, in respect of any employment specified in any paragraph in column (A) of Part I of Schedule 1 to these regulations, be treated as an employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph in column (B) of that Part.

(3) Subject to the provisions of paragraph (4) of this regulation, every insured person shall, in respect of any employment specified in any paragraph in column (A) of Part II of the said Schedule 1, be treated as a self-employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph in column (B) of that Part:

Provided that for the purpose of graduated contributions paragraph 13 of that Part shall not apply to the employment of a person on any day or days in any contribution week in continuation of employment by the same employer in which services are or would be rendered normally for more than 8 hours in a week.

(4) Every insured person shall, in respect of any employment specified in any paragraph in column (A) of Part III of the said Schedule 1, be treated as a non-employed person, and any such employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph in column (B) of that Part.

*Employments treated as continuing*

3. For the purposes of the Act, the employment of a person shall be treated as continuing in the circumstances specified in Schedule 2 to these regulations.

*Special provisions with respect to persons declared by High Court to be included in a particular class of insured persons*

4.—(1) Where, under the provisions of the Act relating to references and appeals to the High Court<sup>(a)</sup>, the High Court decides any question as to the class of insured persons in which a person is to be included, and that decision is inconsistent with some previous determination of a question by the Secretary of State<sup>(a)</sup>, then, if the Secretary of State is satisfied that contributions of a prior class have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, he may, if it appears to him that it would be in the interests of the person by or in respect of whom such contributions have been paid, or of any claimant or beneficiary by virtue of that person's insurance, so to do, direct that that person shall be treated as though he had been included in the class of insured persons corresponding to the contributions paid during any contribution weeks for which contributions of a prior class were so paid before the date on which the decision of the High Court was given, and, if such a direction is given, that person shall be deemed to have been included in that class accordingly for any such weeks.

(2) In any case where the Secretary of State, on new facts being brought to his notice, has revised a determination of a question previously given by him,

---

(a) See sections 65(1) and (3), and 73(1) and (4), National Insurance Act 1965.

the provisions of this regulation shall apply with the necessary modifications in the same manner as they apply where the High Court has given a decision inconsistent with a determination previously given by the Secretary of State.

(3) In this regulation the expression “contributions of a prior class” means, in relation to a non-employed person, contributions as an employed or self-employed person and employer’s contributions, and, in relation to a self-employed person, contributions as an employed person and employer’s contributions.

(4) In the application of this regulation to Scotland, for any reference to the High Court, there shall be substituted a reference to the Court of Session<sup>(a)</sup>.

*Persons to be treated as employers*

5. In respect of any employment specified in any paragraph in column (A) of Schedule 3 to these regulations, the person specified in the corresponding paragraph in column (B) of that Schedule shall for the purposes of the Act be treated as the employer of the employed person concerned.

*Effect of Regulations for the purposes of section 43 of the Act*

6. The provisions of these regulations shall not have effect for the purpose of the determination of any question whether a person is or is not engaged in a gainful occupation which arises under section 43 of the Act (increase of benefit for adult dependants) or any regulations<sup>(b)</sup> made thereunder.

*Revocation and general savings*

7.—(1) The regulations specified in column 1 of Schedule 4 to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeals) with regard to the effect of revocations.

*Keith Joseph,*  
Secretary of State for Social Services.

30th March 1972.

*V. H. Goodhew,*  
*Tim Fortescue,*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury.

6th April 1972.

---

(a) See sections 65(8) and 73(5), National Insurance Act 1965.

(b) See S.I. 1967/330 (1967 I, p. 1131).

## Regulation 2

## SCHEDULE 1

## PART I

Column (A)	Column (B)
<i>Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>1. Employment under a public or local authority constituted in Great Britain (not being employment under the Crown) notwithstanding that it is not employment under a contract of service.</p> <p>2. Employment of a medical practitioner or a dental practitioner—</p> <p>(a) involving whole-time service in any hospital; or</p> <p>(b) in which he is wholly or mainly engaged and is remunerated by salary; or</p> <p>(c) being employment by a Regional Hospital Board or a Board of Governors of a Teaching Hospital constituted under the National Health Service Act 1946, where he is employed in any two or more such employments and is wholly or mainly engaged in such employments in the aggregate and is remunerated by salary.</p> <p>3. Employment—</p> <p>(a) in England and Wales as superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births</p>	<p>1. Any person in employment specified in paragraph 1 in column (A) where the service ordinarily performed by the person in that employment (or, if he is employed in more than one such employment or is also employed in an employment specified in paragraph 3 in column (A), the aggregate service performed by him in those employments) is part-time service only or, where that employment is—</p> <p>(a) as a medical practitioner or dental practitioner on the list of an Executive Council under the National Health Service Act 1946(a), or the National Health Service (Scotland) Act 1947(b);</p> <p>(b) as a chaplain or other minister of religion;</p> <p>(c) otherwise than as an officer or servant of a public or local authority or as a constable.</p> <p>2. None.</p> <p>3. Any person in employment specified in paragraph 3 in column (A) who is not wholly or mainly engaged in such employment or, if he is employed in more than one such employment or is also employed</p>
(a) 1946 c. 81.	(b) 1947 c. 27.

Column (A)	Column (B)
<i>Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>and deaths, or registrar or deputy registrar of marriages;  (b) in Scotland as senior registrar, district registrar, or assistant registrar of births and deaths and marriages.</p> <p>4. Employment of a nurse (as defined in regulation 1(2)) as nurse for the sick or as midwife, notwithstanding that the employment is not under a contract of service.</p> <p>5. Employment in Great Britain in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment or letting for hire (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.</p> <p>6. Employment (not being employment under a contract of service)—  (a) as a master or registrar or assistant master or assistant registrar of the Supreme Court of Judicature (including employment as a district registrar or assistant district registrar); or  (b) as a whole-time registrar or whole-time assistant registrar under the County Courts Act 1959(a).</p> <p>7. 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.</p> <p>8. Employment, (not being employment under a contract of service or employment in respect of which a person is, under the provisions of these regulations, treated as an employed person) in which the person employed renders, or is under obligation</p>	<p>in an employment specified in paragraph 1 in column (A), is not wholly or mainly engaged in such employments in the aggregate.</p> <p>4. Any person in employment specified in paragraph 4 in column (A) (other than employment under a public or local authority) in any contribution week in which that person is not exclusively so employed by one employer for at least one day.</p> <p>5. None.</p> <p>6. Any person in employment as deputy for a person holding any office specified in paragraph 6 in column (A).</p> <p>7. None.</p> <p>8. Any person in employment specified in paragraph 8 of column (A)—  (a) where the service of the person employed is rendered in his own home or on other premises not under the control or management of the person to whom the person</p>

Column (A)	Column (B)
<p><i>Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.</i></p>	<p><i>Persons excepted from the operation of column (A).</i></p>
<p>to render, personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including, in the case of a body of persons unincorporate, a body of which the person employed is a member) and—</p> <p>(a) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person; or</p> <p>(b) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed.</p>	<p>employed is supplied (except where such other premises are premises at which the person employed is required, by reason of the nature of the service, to render service); or</p> <p>(b) who is employed as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model; or</p> <p>(c) in a case where remuneration is not paid by or through, or on the basis of accounts submitted by, that third person—</p> <p>(i) where the person employed has obtained that employment through a third person as part of that third person's activities in which persons seeking employment are introduced to persons requiring their services; and</p> <p>(ii) where as a result of such an introduction the person employed and the person to whom he has been introduced have entered into a contract with each other for the rendering of such service; and</p> <p>(iii) where only the person employed and the person to whom he has been introduced have a direct financial interest in the continued employment in that employment of the person employed.</p>

## PART II

<p>Column (A)</p> <p><i>Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.</i></p>	<p>Column (B)</p> <p><i>Persons excepted from the operation of column (A).</i></p>
<p>9. Employment of a person (not being a pre-1948 contributor within the meaning of the Act (a)) in any employment by virtue of which he would but for the provisions of this paragraph be an employed person, if—</p> <p>(a) the person is not ordinarily resident in the United Kingdom; and</p> <p>(b) the employer of that person is not so ordinarily resident, and has no place of business in the United Kingdom.</p> <p>10. Employment by any one employer as an interviewer for the purpose of obtaining information about habits or opinions of members of the public or any particular category or description of persons, where services in that employment are rendered normally for not more than 28 hours in a contribution week.</p> <p>11. Employment in or about a cathedral, church or other place of religious worship as (a) member of the choir, (b) organist or other musician, (c) precentor, (d) beadle, (e) caretaker, (f) chapel keeper, (g) church officer, (h) clerk, (i) door-keeper, (j) pew-opener, (k) sacristan, (l) sexton or (m) verger, including duties incidental to the employment.</p>	<p>9. None.</p> <p>10. None.</p> <p>11. Any person (not being a person mainly dependent for his livelihood on his earnings from other employment as a self-employed person, or, in the case of employment as a precentor, not being a minister of religion) whose weekly earnings from any one or more of the employments specified in paragraphs 11 and 37 in column (A) include the provision of board and lodging by the employer or are ordinarily more than £5·00.</p>
<p>12. Employment as a sub-postmaster remunerated by scale payment.</p>	<p>12. Any person who renders on the average 18 or more hours' personal service weekly as a sub-postmaster remunerated by scale payment and is not mainly dependent for his livelihood on</p>

(a) See sections 115 and 117(1) and Schedule 11, para. 17 *ibid.* and S.I. 1948/612, reg. 2; 1948/1276, reg. 2 and 1948/1279, reg. 2 (Rev. XVI, p. 18; 1948 I, p. 2834; Rev. XVI, p. 49; 1948 I, p. 2639 and Rev. XVI, p. 63; 1948 I, p. 2685).

Column (A)	Column (B)
<p><i>Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.</i></p>	<p><i>Persons excepted from the operation of column (A).</i></p>
<p>13. Employment of a person in any capacity by any one employer on any day or days in any contribution week in which that person renders services in that employment where—</p> <p>(a) if the employment is in continuation of employment by that employer in which services are or would be rendered normally for more than 8 hours in a week, such services are rendered in that week for not more than 4 hours; or</p> <p>(b) in any other case, such services are not rendered in that week for more than 8 hours.</p> <p>14. Employment of a person—</p> <p>(a) in any employment or employments by any one employer; or</p> <p>(b) in any employment or employments by two or more employers who carry on business in association,</p> <p>where the weekly earnings (or, where in either case there is more than one such employment, the aggregate weekly earnings) derived therefrom are ordinarily not more than £5·00.</p> <p>15. Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than employment as</p>	<p>the earnings derived by him from any occupation other than employment under the Post Office.</p> <p>13. Any person employed in any contribution week in any employment specified in paragraph 13 in column (A) which is one of two or more such employments by different employers who carry on business in association, to the extent following:—</p> <p>(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;</p> <p>(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.</p> <p>14. Any person employed in one or more of the employments specified in sub-paragraphs (a) or (b) of paragraph 14 in column (A) in any contribution week in which—</p> <p>(a) the earnings include the provision of board and lodging by the employer; or</p> <p>(b) the earnings (or, where in either case there is more than one such employment, the aggregate earnings) derived therefrom are more than £5·00.</p> <p>15. None.</p>



Column (A)	Column (B)
<i>Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as self-employed persons.</i>	<i>Persons excepted from the operation of column (A).</i>
such an agent, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.	
16. Employment under a contract of service by the insured person's wife for the purposes of a trade or business.	16. None.
17. Employment under contract of service of a married woman by her husband.	17. None.
18. Employment of a nurse (as defined in regulation 1(2)) as nurse for the sick or as midwife in any contribution week in which the nurse is not exclusively so employed by one employer for at least one day.	18. Any person employed as specified in paragraph 18 in column (A) who is so employed under a public or local authority.
19. Employment by any one employer on a track being a dog race-course within the meaning of the Betting, Gaming and Lotteries Act 1963(a), involving service only on the days and during the period within which betting on that track by way of bookmaking or by means of a totalisator on the results of dog races is not prohibited by that Act.	19. None.
20. Occasional employment in the operation of a totalisator on an approved horse racecourse within the meaning of the Betting, Gaming and Lotteries Act 1963.	20. None.
21. Occasional employment by any one employer involving planting or sowing, or picking, lifting, gathering, collecting or harvesting, as the case may be, plants or plant produce (including fruit, vegetables, flowers, hops, grain, bulbs, potatoes or any other root crops), or involving any operation ancillary thereto.	21. Any person employed as specified in paragraph 21 in column (A)— (a) who is ordinarily employed in employed contributors' employment or is ordinarily gainfully occupied in agriculture (including horticulture and forestry); and (b) who produces to his employer satisfactory evidence that he is so ordinarily employed or occupied.

## PART III

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>22. Any employment or employments as a self-employed person (including any employment in respect of which a person is, under these regulations, treated as a self-employed person) where the insured person is not ordinarily gainfully occupied in any such employment or employments or where the weekly earnings (or, where there is more than one such employment, the aggregate weekly earnings) derived therefrom are ordinarily less than £4·00.</p>	<p>22. None.</p>
<p>23. Employment of a person by any one employer in any contribution week—</p> <p>(a) on the Sunday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person is also employed by the same employer on the Monday of the succeeding contribution week; or</p> <p>(b) on the Monday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person has also been employed by the same employer only on the Saturday, or on the Friday and the Saturday, and on the Sunday in the preceding contribution week.</p>	<p>23. None.</p>
<p>24. Employment by the father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, grand-daughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the insured person, in so far as the employment—</p> <p>(a) is employment in a private dwelling-house in which both the insured person and the employer reside; and</p>	<p>24. None.</p>

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
(b) is not employment for the purposes of any trade or business carried on there by the employer.	
25. Employment by the insured person's wife otherwise than for the purposes of a trade or business whether or not under a contract of service.	25. None.
26. Employment of a married woman (whether or not under contract of service) by, or as partner of, or in any similar association with, her husband.	26. Any person employed as specified in paragraph 26 in column (A) where that employment is in a trade or business and she is ordinarily engaged therein for not less than 24 hours in a contribution week.
27. Employment as a special constable.	27. None.
28. Employment, involving part-time service only, as a member of a fire brigade maintained in pursuance of the Fire Services Act 1947(a).	28. None.
29. Employment, involving part-time service only— (a) in coast-watching for life-saving purposes; (b) in the operation of a life-boat; or (c) in the operation of a rocket or other life-saving apparatus or any gear connected therewith; and in any duties ancillary to such operations.	29. None.
30. Employment, involving part-time service only, in connection with the relief of light keepers or otherwise in attendance upon lighthouses, or in connection with the care or upkeep of minor lights, buoys, beacons, signals or tide-gauges.	30. None.
31. Employment, involving part-time service only, on or in connection with a pasture or grazing held in common under the Small Landholders (Scotland) Acts 1886 to 1931 and the Crofters (Scotland) Acts 1955 and 1961(b) either as a shepherd or other herd.	31. None.
(a) 1947 c. 41.	(b) 1955 c. 21; 1961 c. 58.

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>32. Employment as secretary or clerk of a society, club, committee, philanthropic institution, school or other similar body or institution, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.</p>	<p>32. None.</p>
<p>33. Employment, involving part-time service only, in the performance of clerical duties after 6 p.m., or outside the ordinary hours of work.</p>	<p>33. None.</p>
<p>34. Employment in any one cotton, woollen, worsted, silk, artificial silk or nylon mill or factory on not more than 2 days in a contribution week as a helper to or substitute for a woman or women regularly employed in spinning, weaving or doubling or in processes incidental thereto.</p>	<p>34. Any person who is employed in employment specified in paragraph 34 in column (A) where the employment is as a helper to or substitute for a woman or women regularly employed in weaving and where in respect of that employment the employer of the said woman or women pays wages or other pecuniary remuneration to the person.</p>
<p>35. Employment as a caretaker in respect of which no wages are paid, or other money payments made, either by the employer or by any other person.</p>	<p>35. None.</p>
<p>36. Employment, involving part-time service only, as a caretaker of, or key-keeper at, ancient monuments.</p>	<p>36. None.</p>
<p>37. Employment—</p> <p>(a) in or about a cathedral, church or other place of religious worship, as</p> <p>(i) acolyte,</p> <p>(ii) bell-ringer or</p> <p>(iii) organ-blower; or</p> <p>(b) as (i) bible woman,</p> <p>(ii) lay preacher or</p> <p>(iii) scripture-reader.</p>	<p>37. Any person (not being a person mainly dependent for his livelihood on his earnings from employment as a self-employed person) whose weekly earnings from any one or more of the employments specified in paragraphs 11 and 37 in column (A), excluding any earnings as precentor of a minister of religion, include the provision of board and lodging by the employer or are ordinarily more than £5.00.</p>

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>38. Employment as a part-time Post Office telephonist (day or night).</p> <p>39. Employment as an auxiliary postman.</p> <p>40. Employment as a part-time indoor assistant for postal and telegraph business.</p> <p>41. Employment as a collector or deliverer of postal letters under allowance.</p> <p>42. Employment as an occasional messenger on Post Office business.</p> <p>43. (a) Employment at sittings of the judge or registrar of a county court as an usher or interpreter involving occasional attendance only.  (b) Employment at sittings of the Sheriff, Police or Justice of the Peace Courts in Scotland as—  (i) an interpreter involving occasional attendance only; or  (ii) a Bar Officer or Court Officer.</p> <p>44. Employment, involving part-time service only, under a local savings committee of the National Savings Committee or the National Savings Committee for Scotland in the capacity of clerk, secretary or organiser or in the performance of clerical duties for such a committee.</p> <p>45. Employment by any public or local authority to act in relief of gymnasium or lavatory attendants or of attendants of a park, playground or other public open space.</p> <p>46. Employment in England or Wales by a public or local authority or by any company or body responsible for the lighting of any borough or other local area, as a lamp-lighter or extinguisher, whether the employment does or does not include the duty of cleaning or keeping the lamps in order.</p>	<p>38 to 57. Any person (not being a person mainly dependent for his livelihood on his earnings from employment as a self-employed person) employed in one or more of the employments specified in paragraphs 38 to 42, 43(b)(ii) and 44 to 57 in column (A) whose weekly earnings in employment by the same employer in any one or more of the employments so specified include the provision of board and lodging by the employer or are ordinarily more than £5.00.</p>

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>47. Employment, involving part-time service only, as a leader, helper or instructor in an institution of further education, including a voluntary youth club or community centre where personal service is required only outside the ordinary hours of work.</p> <p>48. Employment, involving part-time service only, as a leader, helper or instructor in a play centre established in accordance with section 53(1) of the Education Act 1944(a) or in Scotland in accordance with section 6(1) of the Education (Scotland) Act 1962(b).</p> <p>49. Employment, involving part-time service only, as—</p> <ul style="list-style-type: none"> <li>(a) caretaker of a burial ground, cemetery or crematorium under the control of a burial authority within the meaning of the Burial Acts 1852 to 1906, and the Cremation Acts 1902 and 1952(c);</li> <li>(b) caretaker of a cemetery or crematorium constructed under any special Act of Parliament;</li> <li>(c) caretaker of a water-works under the control of a local authority or other water undertaker; or</li> <li>(d) caretaker of a burial ground, churchyard or crematorium under the control of a local authority in Scotland.</li> </ul> <p>50. Employment under a public or local authority constituted in Great Britain, involving part-time service only, as—</p> <ul style="list-style-type: none"> <li>(a) burial ground clerk;</li> <li>(b) keeper of records of a burial ground;</li> <li>(c) clerk of a special district committee, not otherwise employed by such a local or public authority;</li> <li>(d) water or drainage officer;</li> </ul>	<p>38 to 57. Any person (not being a person mainly dependent for his livelihood on his earnings from employment as a self-employed person) employed in one or more of the employments specified in paragraphs 38 to 42, 43(b)(ii) and 44 to 57 in column (A) whose weekly earnings in employment by the same employer in any one or more of the employments so specified include the provision of board and lodging by the employer or are ordinarily more than £5·00.</p>
<p>(a) 1944 c. 31. (c) 1902 c. 8; 1952 c. 31.</p>	<p>(b) 1962 c. 47.</p>

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
(e) home or domestic help; or (f) helper in a children's cottage home.	
51. Employment by a local education authority or by the managers of a primary school or by the governors of a secondary school, or in Scotland by a public or local authority or by the managers of a State-aided school—	
(a) involving part-time service only, in the cleansing of drains, cesspools, pits or offices in or about any such school; or (b) involving attendance on Sundays only, in relief of a school keeper in any such school.	
52. Employment of a person undergoing full-time education where the service in that employment is rendered in or about his place of education to the person, body or authority providing the education.	
53. Employment, involving part-time service only, in or about a theatre, cinema, music-hall, or any place ordinarily used for public dancing or music or other public entertainment of a like kind as—	
(a) an attendant engaged for the comfort, convenience or safety of the public admitted thereto; or (b)—(i) check-taker, (ii) money-taker, (iii) flyman, (iv) property-man, (v) stage-hand, (vi) supernumerary, (vii) lighting operator, (viii) call boy or (ix) dresser.	38 to 57. Any person (not being a person mainly dependent for his livelihood on his earnings from employment as a self-employed person) employed in one or more of the employments specified in paragraphs 38 to 42, 43(b)(ii) and 44 to 57 in column (A) whose weekly earnings in employment by the same employer in any one or more of the employments so specified include the provision of board and lodging by the employer or are ordinarily more than £5·00.
54. Employment, involving part-time service only, in the delivery of goods from retail establishments.	

Column (A)	Column (B)
<i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i>	<i>Persons excepted from the operation of column (A).</i>
<p>55. Employment, involving part-time service only, in attendance upon old-age or retirement pensioners or persons in receipt of benefit under the Ministry of Social Security Act 1966(a) where the employer is not—</p> <p>(a) the person to whom attendance is given; or</p> <p>(b) the person or body carrying on a hospital or accommodation provided under Part III of the National Assistance Act 1948(b) or under the Social Work (Scotland) Act 1968(c) or any other institution, whether maintained out of moneys provided by Parliament or otherwise, in which (as the case may be) the person to whom attendance is given is residing.</p> <p>56. Employment, involving part-time service only, as a sick visitor by or on behalf of a society or other body providing benefits to its members during sickness, or a branch of any such society or body.</p> <p>57. Employment in Scotland, involving part-time service only, as a ground officer.</p> <p>58. Employment in connection with the recording or counting of votes for the purposes of—</p> <p>(a) a Parliamentary or local government election; or</p> <p>(b) an election held for the purposes of a society, association or similar body.</p> <p>59. Employment in agriculture (including horticulture and forestry) of a person, not being a person who has attained the age of 18 years, who is ordinarily receiving full-time education and is working in such employment from a camp organised by a school in pursuance of arrangements made with</p>	<p>38 to 57. Any person (not being a person mainly dependent for his livelihood on his earnings from employment as a self-employed person) employed in one or more of the employments specified in paragraphs 38 to 42, 43(b)(ii) and 44 to 57 in column (A) whose weekly earnings in employment by the same employer in any one or more of the employments so specified include the provision of board and lodging by the employer or are ordinarily more than £5·00.</p> <p>58. None.</p> <p>59. None.</p>
(a) 1966 c. 20. (c) 1968 c. 49.	(b) 1948 c. 29.



<p>Column (A)</p> <p><i>Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as non-employed persons and their employment therein disregarded.</i></p>	<p>Column (B)</p> <p><i>Persons excepted from the operation of column (A).</i></p>
<p>a County Agricultural Executive Committee or, in Scotland, the Department of Agriculture and Fisheries for Scotland.</p> <p>60. Employment, involving part-time service only, by the Ministry of Defence (Air) as a member of the Royal Observer Corps.</p> <p>61. Employment as a member of the National Hospital Service Reserve.</p> <p>62. Employment, involving part-time service only, by the Ministry of Defence (Navy) as a member of the Royal Naval Auxiliary Service.</p>	<p>60. Any person in employment specified in paragraph 60 in column (A) where he is undergoing training or instruction for a period of not less than 72 consecutive hours.</p> <p>61. Any person in employment specified in paragraph 61 in column (A) where he renders services in that employment for 24 hours or more in a contribution week.</p> <p>62. Any person in employment specified in paragraph 62 in column (A) where he is undergoing training or instruction for a period of not less than 72 consecutive hours.</p>

## SCHEDULE 2

## Regulation 3

## CIRCUMSTANCES IN WHICH EMPLOYMENT IS TREATED AS CONTINUING

Where an insured person is employed as a self-employed person and is ordinarily so employed, that employment shall be treated as continuing unless and until he is no longer ordinarily employed in any gainful occupation in Great Britain (other than an employment specified in Part III of Schedule 1 to these regulations which is to be disregarded):

Provided that—

- (a) any week during the whole or part of which he is engaged in an employed contributor's employment shall (subject to the provisions of paragraph (b) of this proviso) not to be taken into account for the purposes of this Schedule;
- (b) this Schedule shall cease to apply to a person if and when in a period of 13 consecutive weeks he has been engaged in an employed contributor's employment for 10 of those weeks.

## Regulation 5

## SCHEDULE 3

## EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Column (A) <i>Employments.</i>	Column (B) <i>Persons treated as employers.</i>
<p>1. Employment in Great Britain in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment or letting for hire (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.</p> <p>2. Employment of a casual nature for the purposes of any game or recreation of a person who is engaged or paid for that employment through a club.</p> <p>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 in column (B) of Schedule 1 to these regulations, or paragraph 18 in 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(a) or the Nurses (Scotland) Act 1951(b);            or            (b) from any local authority; or            (c) from any person or body of persons carrying on a hospital.</p> <p>4. Employment of a nurse (as defined in regulation 1(2)) as nurse for the sick or as midwife, whether under contract of service or not, not being employment specified in paragraph 4 in column (B) of Schedule 1 to these regulations, or paragraph 18 in column (A) of that Schedule, where the pecuniary remuneration in respect of the employment is received from a patient or from a third person (not being a person, authority or body specified in sub-paragraphs (a), (b) and (c) of the preceding paragraph in this column) on behalf of such a patient.</p>	<p>1. The person from whom the use of the vehicle or vessel is so obtained.</p> <p>2. The club.</p> <p>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) in column (A), the agency, and in any other case, the person or body from whom the pecuniary remuneration is received.</p> <p>4. The patient.</p>
(a) 1957 c. 16.	(b) 1951 c. 55.

Column (A) <i>Employments.</i>	Column (B) <i>Persons treated as employers.</i>
<p>5. Employment—  (a) in England and Wales as superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births and deaths, or registrar or deputy registrar of marriages;  (b) in Scotland as senior registrar, district registrar or assistant registrar of births and deaths and marriages.</p> <p>6. Employment as a registered dock worker under the Dock Workers (Regulation of Employment) Scheme 1947(b) where the dock worker is not one who is engaged by a registered employer under a contract which requires at least one week's notice for its termination.</p> <p>7. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling-house.</p> <p>8. Employment, whether under a contract of service or not (not being employment specified in paragraph 8 in column (B) of Schedule 1 to these regulations or an employment to which any other paragraph of this Schedule applies) in which the person employed renders or is under an obligation to render personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including in the case of a body of persons unincorporate, a body of which the person employed is a member) and—  (a) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person; or</p>	<p>5. (a) In England and Wales, the local authority in whose employment he is deemed to be an officer for the purposes of the Local Government Superannuation Act 1937(a);</p> <p>(b) in Scotland, the council of the county or large burgh within which the whole or the greater part of the registration area of such officer is situate.</p> <p>6. The National Dock Labour Board.</p> <p>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.</p> <p>8. (a) In England and Wales where the person employed is supplied by or through the agency of a body of persons unincorporate and the person employed is a member of that body, the other members of that body, and in any other case, the third person by whom or through whose agency the person employed is supplied;  (b) in Scotland, the third person by whom or through whose agency the person employed is supplied.</p>

(a) 1937 c. 68.

(b) See S.R. &amp; O. 1947/1189 (Rev. VI, p. 63: 1947 I, p. 535).

Column (A) <i>Employments.</i>	Column (B) <i>Persons treated as employers.</i>
(b) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed.	

## Regulation 7(1)

## SCHEDULE 4

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The National Insurance (Classification) Regulations 1948.	S.I. 1948/1425 (Rev. XVI, p. 95: 1948 I, p. 2738).	The whole regulations.
The National Insurance (Classification) Amendment Regulations 1949.	S.I. 1949/86 (1949 I, p. 2705).	The whole regulations.
The National Insurance (Classification) Amendment (No. 2) Regulations 1949.	S.I. 1949/1518 (1949 I, p. 2706).	The whole regulations.
The National Insurance (Classification) Amendment (No. 2) Regulations 1950.	S.I. 1950/765 (1950 II, p. 10).	The whole regulations.
The National Insurance (Classification) Amendment (No. 3) Regulations 1950.	S.I. 1950/830 (1950 II, p. 12).	The whole regulations.
The National Insurance (Classification) Amendment Regulations 1951.	S.I. 1951/993 (1951 I, p. 1454).	The whole regulations.
The National Insurance (Classification) Amendment Regulations 1952.	S.I. 1952/494 (1952 II, p. 2136).	The whole regulations.
The National Insurance (Classification) Amendment (No. 2) Regulations 1952.	S.I. 1952/1024 (1952 II, p. 2137).	The whole regulations.
The National Insurance (Classification) Amendment (No. 3) Regulations 1952.	S.I. 1952/1454 (1952 II, p. 2139).	The whole regulations.
The National Insurance (Classification) Amendment Regulations 1954.	S.I. 1954/585 (1954 I, p. 1407).	The whole regulations.

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The National Insurance (Classification) Amendment Regulations 1957.	S.I. 1957/2175 (1957 I, p. 1623).	The whole regulations.
The National Insurance (Classification) Amendment Regulations 1960.	S.I. 1960/827 (1960 II, p. 2208).	The whole regulations.
The National Insurance (Graduated Contributions and Non-participating Employments—Miscellaneous Provisions) Regulations 1960.	S.I. 1960/1210 (1960 II, p. 2234).	Regulation 13.
The National Insurance (Classification) Amendment Regulations 1961.	S.I. 1961/420 (1961 I, p. 1061).	The whole regulations.
The National Insurance (Classification) Amendment Regulations 1968.	S.I. 1968/1684 (1968 III, p. 4578).	The whole regulations.
The Family Allowances, National Insurance and Industrial Injuries (Post Office Act 1969 Consequential) Regulations 1969.	S.I. 1969/1135 (1969 II, p. 3371).	Regulation 4.
The National Insurance and Industrial Injuries (Classification and Collection of Contributions) Amendment Regulations 1969.	S.I. 1969/1362 (1969 III, p. 4069).	Regulations 2 and 3.
The National Insurance (Classification) Amendment Regulations 1970.	S.I. 1970/217 (1970 I, p. 949).	The whole regulations.
The Family Allowances, National Insurance, Industrial Injuries and Miscellaneous Provisions (Decimalisation of the Currency) Amendment (No. 2) Regulations 1970.	S.I. 1970/977 (1970 II, p. 3089).	Regulation 3.
The National Insurance (Classification) Amendment (No. 2) Regulations 1970.	S.I. 1970/1704 (1970 III, p. 5584).	The whole regulations.
The National Insurance and Industrial Injuries (Classification, Contributions and Collection of Contributions) Amendment Regulations 1971.	S.I. 1971/1421 (1971 II, p. 3992).	Regulation 2.
The National Insurance (Classification) Amendment Regulations 1971.	S.I. 1971/1728 (1971 III, p. 4709).	The whole regulations.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations are made for the purpose only of consolidating Regulations hereby revoked and accordingly by virtue of section 108(9)(c) of the National Insurance Act 1965 no reference of them has been made to the National Insurance Advisory Committee.

The Regulations modify the classification of certain insured persons in specified employments, by making provision for some persons who would otherwise be employed persons to be treated for the purposes of the National Insurance Act 1965 either as self-employed or non-employed persons, and some persons who would otherwise be self-employed persons to be treated for the same purpose as employed or non-employed persons. Non-employed persons are not reclassified (regulation 2 and Schedule 1).

Provision is made for continuing the status of a self-employed person until the happening of certain specified events (regulation 3 and Schedule 2). Provision is also made for the special classification of persons following a decision of the High Court (or, in Scotland, the Court of Session) or a revised decision of the Secretary of State for Social Services so as to enable the original classification to stand where this would be in the interests of the person concerned (regulation 4).

Regulation 5 and Schedule 3 provide that for the purposes of the National Insurance Act 1965 prescribed persons shall be treated as the employers of persons in certain specified employments. Regulation 6 secures that the provisions of these Regulations by virtue of which certain gainful occupations are disregarded shall not have effect for the purpose of determining, under section 43 of the National Insurance Act 1965, whether an adult dependant, in respect of whom an increase of benefit is claimed, is or is not engaged in a gainful occupation.

SI 1972/555  
ISBN 0-11-020555-3

