

1989 No. 572

SOCIAL SECURITY

**The Social Security (Contributions) Amendment (No. 3)
Regulations 1989**

<i>Made</i> - - - -	<i>29th March 1989</i>
<i>Laid before Parliament</i>	<i>4th April 1989</i>
<i>Coming into force</i>	<i>6th April 1989</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 1(6), 8(1) and 166(3) of, and Schedule 20 to, the Social Security Act 1975(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Contributions) Amendment (No. 3) Regulations 1989 and shall come into force on 6th April 1989.

(2) In these Regulations “the principal Regulations” means the Social Security (Contributions) Regulations 1979(c), and unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in the principal Regulations.

Amendment of regulation 28

2. Subject to regulation 5 of these Regulations, in sub-paragraph (b) of paragraph (2) of regulation 28(d) (precluded Class 3 contributions) for the words “widow’s allowance or death grant” there shall be substituted the words “widow’s payment”.

Amendment of regulation 119

3. For sub-paragraph (e) of paragraph (1) of regulation 119 (conditions as to residence or presence in Great Britain) there shall be substituted the following sub-paragraph:

- “(e) as respects entitlement of a person to pay Class 3 contributions in respect of any year, either that—
- (i) that person is resident in Great Britain throughout that year; or
 - (ii) that person has arrived in Great Britain during that year and has been or is liable to pay Class 1 or Class 2 contributions in respect of an earlier period during that year; or

(a) 1975 c.14. Section 8(1) was amended by the Education (School-leaving Dates) Act 1976 (c.5), section 2(4), the Health and Social Security Act 1984 (c.48), section 18(1)(a) and S.I. 1988/675, article 4. Schedule 20 is cited because of the meaning it ascribes to the words “Prescribe” and “Regulations”.

(b) See section 61(1)(b) of the Social Security Act 1986 (c.50).

(c) S.I. 1979/591; the relevant amending instrument is S.I. 1987/2111.

(d) Regulation 28(2)(b) was amended by S.I. 1984/77.

- (iii) that person has arrived in Great Britain during that year and was either ordinarily resident in Great Britain throughout the whole of that year or became ordinarily resident during the course of it; or
- (iv) that person not being ordinarily resident in Great Britain has arrived in that year or the previous year and has been continuously present in Great Britain for 26 complete contribution weeks, entitlement where the arrival has been in the previous year arising in respect only of the next year.”.

Amendment of regulation 121

4.—(1) Regulation 121 (Class 2 and Class 3 contributions for periods abroad) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1), for the words “the next succeeding paragraph” there shall be substituted the words “paragraph (2) of this regulation”.

(3) After paragraph (1) there shall be inserted the following paragraph—

“(1A) A person who is gainfully employed outside Great Britain and falls within the provisions of sub-paragraph (a) of the last preceding paragraph shall for the purposes of that paragraph be treated as being outside Great Britain for any period during which he is temporarily in Great Britain.”.

(4) In paragraph (2), for the words “the last preceding paragraph” there shall be substituted the words “paragraph (1) of this regulation”.

Savings

5. For the purposes of determining whether a person is entitled to pay Class 3 contributions under paragraph (2) of regulation 28, sub-paragraph (b) of that paragraph shall continue to have effect in relation to any death occurring before 11th April 1988 as though regulation 2 of these Regulations had not been made.

Signed by authority of the Secretary of State for Social Security.

Nicholas Scott
Minister of State,
Department of Social Security

29th March 1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Contributions) Regulations 1979 (“the principal Regulations”).

Regulation 2 amends regulation 28 of the principal Regulations, and is consequential upon the abolition of widow’s allowance and death grant. Regulation 5 contains savings provisions.

Regulation 3 amends regulation 119 of the principal Regulations, by providing for entitlement of certain persons arriving in Great Britain from abroad to pay Class 3 contributions.

Regulation 4 amends regulation 121 of the principal Regulations, by extending entitlement to pay Class 2 contributions to those gainfully employed outside Great Britain to cover temporary periods in Great Britain.

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