

**2013 No. 1142**

**SOCIAL SECURITY**

**The Social Security (Contributions) (Amendment No. 2)  
Regulations 2013**

<i>Made</i> - - - -	<i>16th May 2013</i>
<i>Laid before Parliament</i>	<i>17th May 2013</i>
<i>Coming into force</i> - -	<i>10th June 2013</i>

The Treasury make the following Regulations in exercise of the powers conferred by sections 3(2) and (3) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 3(2) and (3) and 171(3), (4), and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and now exercisable by them.

The Secretary of State and the Department for Social Development(c) concur in the making of these Regulations.

**Citation, commencement and effect**

1. These Regulations may be cited as the Social Security (Contributions) (Amendment No. 2) Regulations 2013 and come into force on 10th June 2013.

**Amendment of the Social Security (Contributions) Regulations 2001**

2. In Part 10 (miscellaneous and supplemental) of Schedule 3 to the Social Security (Contributions) Regulations 2001 (payments to be disregarded in the calculation of earnings for the purposes of earnings-related contributions)(d), after paragraph 22 (fees relating to the Protection of Vulnerable Groups (Scotland) Scheme) insert—

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- (a) 1992 c. 4. Section 3 has been amended: the relevant amendment is that made by paragraph 3 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) (“the Transfer Act”). Section 175(4) was amended by paragraph 29(4) of Schedule 3 to the Transfer Act.
- (b) 1992 c. 7 (“the 1992 Northern Ireland Act”). Section 3 has been amended: the relevant amendment is that made by paragraph 4 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) (“the Transfer Order”). Section 171(10) was substituted by paragraph 28(3) of Schedule 3 to the Transfer Order.
- (c) The functions of the Department of Health and Social Services for Northern Ireland under the 1992 Northern Ireland Act were transferred to the Department for Social Development by Article 8(b) of, and Part 2 of Schedule 6 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. (NI) 1999 No. 481).
- (d) S.I. 2001/1004, paragraph 22 was inserted by S.I. 2011/225; there are other amending instruments but none is relevant.

**“Fees relating to the Disclosure and Barring Service**

**23.**—(1) A fee paid by virtue of section 116A(4)(b) or (5)(b) of the Police Act 1997(a) (“the Police Act”) (fee for up-dating certificates).

(2) A fee paid under—

- (a) section 113A(1)(b) of the Police Act(b) (fee for criminal record certificates);
- (b) section 113B(1)(b) of the Police Act(c) (fee for enhanced criminal record certificates);
- (c) section 114(1)(b) of the Police Act(d) (fee for criminal record certificates: Crown employment); or
- (d) section 116(1)(b) of the Police Act(e) (fee for enhanced criminal record certificates: judicial appointments and Crown employment);

where the application is made at the same time as an application under section 116A(4) or (5) of the Police Act for the certificate to be subject to up-date arrangements.”.

*Mark Lancaster  
Desmond Swayne*

16th May 2013

Two of the Lords Commissioners of Her Majesty’s Treasury

The Secretary of State concurs

Signed by authority of the Secretary of State for Work and Pensions

*Steve Webb*  
Minister of State

13th May 2013

Department for Work and Pensions

The Department for Social Development concurs

Sealed with the Official Seal of the Department for Social Development on 10th May 2013



*Anne McCleary*

A senior officer of the Department for Social Development

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(a) 1997 c. 50; section 116A was inserted by section 83 of the Protection of Freedoms Act 2012 (c. 9) and amended by S.I. 2012/3006.

(b) Section 113A(1)(b) was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) (“SOCPA 2005”).

(c) Section 113B(1)(b) was inserted by section 163(2) SOCPA 2005.

(d) Section 114(1)(b) was substituted in relation to Scotland by S.S.I. 2006/50.

(e) Section 116(1)(b) was substituted in relation to Scotland by S.S.I. 2006/50.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Contributions) Regulations 2001 (“the principal Regulations”). These Regulations add a new paragraph 23 to Part 10 of Schedule 3 to the principal Regulations. The new paragraph 23 provides a disregard for the fee and the renewal fee for the up-date service of the Disclosure and Barring Service in England and Wales where those fees are paid or reimbursed by an employer. It also provides a disregard for the fee for criminal record certificates and enhanced criminal record certificates where an application is made at the same time as an application to the up-date service and the fee is paid or reimbursed by an employer.

A Tax Information and Impact Note covering this instrument will be published on the HMRC website at <http://www.hmrc.gov.uk/thelibrary/tiins.htm>.

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STATUTORY INSTRUMENTS

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