STATUTORY RULES OF NORTHERN IRELAND

1998 No. 103

SOCIAL SECURITY

The Social Security (Contributions) (Amendment No. 2) Regulations (Northern Ireland) 1998

Made - - - -	*12th March 1998*
Coming into operation	*6th April 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 3(2) and (3) and 171(1) to (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Contributions) (Amendment No. 2) Regulations (Northern Ireland) 1998 and shall come into operation on 6th April 1998.

Amendment of regulation 19 of the Social Security (Contributions) Regulations

2. In regulation 19 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**2**) (payments to be disregarded)—

(a) after sub-paragraph (*w*)(**3**) of paragraph (1) there shall be added the following sub-paragraphs—

"(x) a payment of, or contribution towards, expenses incurred in—

(i) providing an employee with medical treatment outside the United Kingdom (including providing for him to be an in-patient) in a case where the need for the treatment arises while the employee is outside the United Kingdom for the purpose of performing the duties of his employment, or

(ii) providing insurance for the employee against the cost of such treatment in such a case,

and for the purpose of this sub-paragraph "medical treatment" includes all forms of treatment for, and all procedures for diagnosing, any physical or mental ailment, infirmity or defect;

(**1**) 1992 c. 7
(**2**) S.R. 1979 No. 186; relevant amending regulations are S.R. 1996 No. 566 and S.R. 1997 No. 180
(**3**) Sub-paragraph (*w*) was added by S.R. 1997 No. 180

(y) a payment of, or contribution towards, expenses reasonably incurred by a person in relation to a change of residence in connection with the commencement of, or an alteration in, his duties of employment or the place where the duties are normally to be performed, where—

(i) that payment or contribution is, by virtue of Schedule 11A to the Income and Corporation Taxes Act 1988(**4**) (removal expenses and benefits), not regarded as an emolument of the employment for any purpose of Case I or Case II of Schedule E;

(ii) that person commenced performance of the duties, or altered duties, of his employment at the place or altered place of their performance before 6th April 1998, or

(iii) in relation to the year 1998-99, that payment or contribution is an emolument for which the employer is accountable to the Board of Inland Revenue in respect of income tax in accordance with a PAYE settlement agreement under Chapter V of Part VI of the Income Tax (Employments) Regulations 1993(**5**).";

(b) after paragraph (8)(**6**) there shall be added the following paragraph—

"(9) For the purposes of paragraph (1)(*y*) of this regulation—

(a) Schedule 11A to the Income and Corporation Taxes Act 1988 shall be read as if paragraphs 3(3), 4(3), 6 and 24 thereof had been omitted;

(b) head (i) shall apply to any payment which, had it not otherwise not been chargeable to income tax under the Income Tax Acts, would not have been regarded as an emolument of the employment by virtue of Schedule 11A to the Income and Corporation Taxes Act 1988;

(c) a change of residence must result from—

(i) the employee becoming employed by an employer;

(ii) an alteration of the duties of the employee's employment (where his employer remains the same), or

(iii) an alteration of the place where the employee is normally to perform the duties of his employment (where both his employer and the duties of his employment remain the same);

(d) a change of residence must be made wholly or mainly to allow the employee to have his residence within a reasonable daily travelling distance of—

(i) the place where he performs, or is to perform, the duties of his employment (where sub-paragraph (*c*)(i) of this paragraph applies);

(ii) the place where he performs, or is to perform, the new duties of his employment (where sub-paragraph (*c*)(ii) of this paragraph applies), or

(iii) the new place where he performs, or is to perform, the duties of his employment (where sub-paragraph (*c*)(iii) of this paragraph applies),

and any reference in this sub-paragraph to the place where the employee performs, or is to perform, the duties of his employment is to the place where he normally performs, or is normally to perform, those duties;

(**4**) 1988 c. 1; Schedule 11A was inserted by paragraph 2 of Schedule 5 to the Finance Act 1993 (c. 34)
(**5**) S.I. 1993/744; Chapter V was added by S.I. 1996/2631
(**6**) Paragraph (8) was added by S.R. 1996 No. 566