1989 No. 384

SOCIAL SECURITY

The Social Security (Contributions) (Transitional and Consequential Provisions) Regulations (Northern Ireland) 1989

Made . . . . . *26th September 1989*

Coming into operation . . *5th October 1989*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 126 of the Social Security (Northern Ireland) Act 1975(**a**), Article 1(8) of the Social Security (Northern Ireland) Order 1985(**b**) and Article 31(3) of the Social Security (Northern Ireland) Order 1989(**c**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Contributions) (Transitional and Consequential Provisions) Regulations (Northern Ireland) 1989 and shall come into operation on 5th October 1989.

(2) These regulations shall be read as one with the Social Security (Contributions) Regulations (Northern Ireland) 1979(**d**), hereinafter referred to as ''the principal regulations''.

(3) 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.

(4) The Interpretation Act 1978(**e**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Transitional provisions for the assessment of primary Class 1 contributions

2.—(1) This regulation applies in the case of a person who—

(*a*) on 5th October 1989 is a director of a company and has been such a director continuously since 6th April 1989 and in respect of whose earnings, by virtue of regulation 6A(1) and (3), the earnings period is the year beginning on 6th April 1989;

(*b*) on or after 5th October 1989 is a director of a company and in respect of whose earnings the earnings period falls to be determined in accordance with—

(**a**) 1975 c. 15
(**b**) S.I. 1985/1209 (N.I. 16)
(**c**) S.I. 1989/1342 (N.I. 13)
(**d**) S.R. 1979 No. 186; relevant amending regulations are S.R. 1980 No. 463, S.R. 1982 Nos. 69 and 408, S.R. 1983 No. 8, S.R. 1984 No. 43, S.R. 1985 No. 260, S.R. 1986 No. 71, S.R. 1987 No. 143, S.R. 1988 Nos. 121 and 204 and S.R. 1989 No. 70
(**e**) 1978 c. 30

(i) regulation 6A(1) and (2), or

(ii) regulation 6A(1) and (3),

and which commenced during the period beginning with 6th April 1989 and ending with 4th October 1989;

(*c*) is a person whose earnings, by virtue of regulation 2, 3, 5A, 21 or 22, are assessed by reference to an earnings period which is the year beginning on 6th April 1989;

(*d*) after 5th April 1989 but before 5th October 1989 ceased to be a director of a company and—

(i) in respect of whose earnings, by virtue of regulation 6A(1) and (3), the earnings period is the year beginning on 6th April 1989, or

(ii) in respect of whose earnings, the earnings period is determined by virtue of regulation 6A(1) and (2),

and is paid earnings in respect of any employed earner's employment with that company at any time in the period beginning with 5th October 1989 and ending with 5th April 1990;

(*e*) ceased to be a director of a company before 6th April 1989, and—

(i) in respect of whose earnings, by virtue of regulation 6A(1) and (5), the earnings period is the year beginning on 6th April 1989, and

(ii) is paid earnings in respect of any period during which he was such a director at any time in the period beginning on 5th October 1989 and ending with 5th April 1990; or

(*f*) is a person whose earnings, by virtue of regulation 2, 3, 5A, 21 or 22, are assessed by reference to an earnings period which is the year beginning on 6th April 1989 and—

(i) after 5th April 1989 but before 5th October 1989 ceased to be employed in the employment from which those earnings derived, and

(ii) is paid any such earnings in the period beginning with 5th October 1989 and ending with 5th April 1990.

(2) In the case of primary Class 1 contributions, in a case to which this regulation applies—

(*a*) where the earnings period is the period mentioned in paragraph (1)(*a*), (*b*)(ii), (*c*), (*d*)(i), (*e*) or (*f*) of this regulation, for the purposes of section 4(6A) of the Act(**a**) (incidence of Class 1 contributions) the primary percentages shall be—

(i) where the earnings in that earnings period do not exceed £2,236·00, 3·5 per cent.;

(**a**) Section 4(6) to (6E) was substituted by Article 9(2) of the Social Security (Northern Ireland) Order 1985; subsection (6) was amended by paragraph 69 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); subsections (6B) and (6E) were amended by Article 2 of S.R. 1989 No. 9; subsections (6) to (6B) were further substituted by Article 3(1) of the Social Security (Northern Ireland) Order 1989; section 4 was extended by Article 75(3) of the Social Security (Northern Ireland) Order 1986