1983 No. 64

SOCIAL SECURITY

The Social Security (Contributions) (Amendment No. 3) Regulations (Northern Ireland) 1983

Made	*23rd March 1983*
Coming into operation . . .	*6th April 1983*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 3(1B), (2) and (3) of, and paragraphs 5(1) and 8(1) of Schedule 1 to, the Social Security (Northern Ireland) Act 1975(**a**) and Article 11(10) of the Social Security (Northern Ireland) Order 1982(**b**) and of all other powers enabling it in that behalf and with the concurrence of the Inland Revenue in so far as their concurrence is required, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**c**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Contributions) (Amendment No. 3) Regulations (Northern Ireland) 1983 and shall come into operation on 6th April 1983.

(2) In these regulations "the principal regulations" means the Social Security (Contributions) Regulations (Northern Ireland) 1979(**d**).

Insertion of regulation 17B in the principal regulations

2. After regulation 17A of the principal regulations (payments to directors to be treated as earnings) there shall be inserted the following regulation—

"*Manner of making sickness payments treated as remuneration*

17B. Where by virtue of section 3(1A) of the Act(**e**) (earnings) a sickness payment is treated as remuneration derived from an employed earner's employment, such payment shall be made through the person who is the secondary contributor in relation to the employment concerned except where—

(*a*) the payment is payable by another person, and

(*b*) that person has agreed with the secondary contributor to make the payment, and

(*c*) arrangements have been made between them for the person who has agreed to make the payment to furnish the secondary contributor with the information specified in Regulation 3(3)(*a*) of Schedule 1 to these regulations (intermediate employers).".

(**a**) 1975 c. 15; section 3(1B) and paragraph 8(1) were inserted by Article 30 of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)); and paragraph 5(1) was extended by Article 11(4) of that Order

(**b**) S.I. 1982/1084 (N.I. 16)

(**c**) 1980 c. 30

(**d**) S.R. 1979 No. 186; the relevant amending regulations are S.R. 1980 No. 463, 1981 No. 30, 1982 Nos. 69 and 267 and 1983 No. 8

(**e**) Section 3(1A) was inserted by Article 30(1) of the Social Security (Northern Ireland) Order 1982

Amendment of regulation 19 of the principal regulations

3. In regulation 19 of the principal regulations (payments to be disregarded)—

(*a*) in sub-paragraph (1)(*e*) after "to or by trustees," there shall be inserted "not being a sickness payment which by virtue of section 3(1A) of the Act is treated as remuneration derived from an employed earner's employment,";

(*b*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Where the funds for making a sickness payment under arrangements of the kind mentioned in section 3(1A)(*b*) of the Act are attributable in part to contributions to those funds made by the employed earner, for the purposes of section 3(1A) of the Act there shall be disregarded that part of the sickness payment which is attributable to those contributions.".

Amendment of Regulations 2, 3, 6, 13, 26, 27, 30 and 32, and insertion of Regulation 5A, in Schedule 1 to the principal regulations

4.—(1) Schedule 1 to the principal regulations (application of Income Tax (Employments) Regulations 1973 to earnings-related contributions) shall be amended in accordance with the following provisions.

(2) In Regulation 2(1) (interpretation) after the definition of national insurance number there shall be inserted—

""statutory sick pay" means any sum treated as remuneration by virtue of Article 25 of the Social Security (Northern Ireland) Order 1982;".

(3) After paragraph (2) of Regulation 3 (intermediate employers) there shall be inserted the following paragraph—

"(3) Where an employee is paid a sickness payment which by virtue of regulation 17B of the Main Regulations (manner of making sickness payments treated as remuneration) is not made through the secondary contributor in relation to the employment concerned—

(*a*) the person making such payment shall furnish the secondary contributor with such particulars of that payment as may be necessary to enable the secondary contributor to comply with the provisions of these Regulations, and

(*b*) for the purposes only of these Regulations the said secondary contributor shall be deemed to have made the sickness payment.".

(4) After Regulation 5 (service by post) there shall be inserted the following Regulation—

"*Offences and penalties in relation to statutory sick pay*

5A. Article 11(8) and (9) of the Social Security (Northern Ireland) Order 1982 shall apply, in place of the provision made by section 98(2) of the Taxes Management Act 1970(**a**) (penalties for providing false information etc.) as applied by paragraph 5(2) of Schedule 1 to the Act, in relation to any of the requirements regarding statutory sick pay specified in Regulations 13(6), 27(1)(*b*) and 30(1)(*d*) and (2)(*d*) of these Regulations.".

(5) In Regulation 6(1) (deduction of earnings-related contributions) after "contributions are payable" there shall be inserted "or on making any payment of statutory sick pay".

(6) In Regulation 13 (calculation of deduction)—

(*a*) in sub-paragraph (2A)(*b*) after head (iv) there shall be inserted the following head—

"; or

(a) 1970 c. 9

(v) the emoluments in respect of which the underdeduction occurred are, by virtue of regulation 17B of the Main Regulations, not paid through the secondary contributor in relation to the employment.'';

(*b*) in sub-paragraph (6)(*b*) for heads (ii) and (iii) there shall be substituted the following heads—

''(ii) any statutory sick pay;

(iii) all the earnings-related contributions payable on the emoluments otherwise than under paragraph (2A) of this Regulation;

(iv) the primary Class 1 contributions under the Act included in the amount recorded under head (iii);'';

(*c*) in sub-paragraph (6)(*c*) for ''(iii)'' there shall be substituted ''(iv)'';

(*d*) in paragraph (6B) for ''(ii)'' and ''(iii)'' there shall be substituted ''(iii)'' and ''(iv)'', respectively.

(7) In Regulation 26(1) (payment of earnings-related contributions by employer) after the words ''which he did not deduct'', where they first appear, there shall be inserted ''and amounts which he deducted by virtue of regulation 2 of the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983(**a**)''.

(8) In Regulation 27 (employer failing to pay earnings-related contributions)—

(*a*) in sub-paragraph (1)(*b*) after ''during that period'' there shall be inserted '', showing separately the calculations for, and the amount of, any statutory sick pay'';

(*b*) at the end of paragraph (2) there shall be inserted '', excluding therefrom any amount deducted by the employer by virtue of regulation 2 of the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983''.

(9) In Regulation 30 (return by employer at end of year)—

(*a*) in head (i) of sub-paragraph (1)(*c*) for ''(ii)'' and ''(iii)'' there shall be substituted ''(iii)'' and ''(iv)'', respectively;

(*b*) after sub-paragraph (1)(*c*) there shall be inserted the following sub-paragraph—

'', and

(*d*) the total amount of any statutory sick pay paid during the year.'';

(*c*) after sub-paragraph (2)(*c*) there shall be inserted the following sub-paragraph—

''; and

(*d*) the total amount of any statutory sick pay paid during that year to:—

(i) each employee,

(ii) all his employees.'';

(*d*) in paragraph (6) after ''unpaid for that year'' there shall be inserted '', excluding any amount deducted by the employer by virtue of regulation 2 of the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983''.

(10) In Regulation 32(2)(*a*) (inspection of employer's records) after ''to the Collector'' there shall be inserted '', excluding therefrom any amount deducted by the employer by virtue of regulation 2 of the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983,''.

(a) S.R. 1983 No. 54