1977 No. 318

SOCIAL SECURITY

The Social Security (Contributions) (Miscellaneous Amendments) Regulations (Northern Ireland) 1977

Made	*1st November* 1977
Coming into operation—	
Regulation 14	*28th November* 1977
Remainder	*6th April* 1978

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 1(6), 8(1), 9(4) and (6)(*a*), 11, 13(4) and 126 of, and paragraphs 4(*a*) and 6(1) (*d*) and (*h*) of Schedule 1 to, the Social Security (Northern Ireland) Act 1975(**a**) and Article 7 of the Social Security Pensions (Northern Ireland) Order 1975(**b**) and of all other powers enabling it in that behalf, and with the concurrence of the Inland Revenue in so far as relates to regulations 12 and 14 of these regulations, hereby makes the following regulations:

Citation, interpretation and commencement

1. These regulations which may be cited as the Social Security (Contributions) (Miscellaneous Amendments) Regulations (Northern Ireland) 1977 shall be read as one with the Social Security (Contributions) Regulations (Northern Ireland) 1975(**c**), as amended(**d**), (hereinafter referred to as "the principal regulations") and shall come into operation as to this regulation and regulation 14 on 28th November 1977 and as to the remainder on 6th April 1978 immediately after regulation 5 of the Social Security (Contributions) (Consequential Amendments) Regulations (Northern Ireland) 1976(**e**) comes into operation.

Amendment of regulation 7 of the principal regulations

2. In regulation 7 of the principal regulations (calculation of earnings-related contributions)—

(*a*) in paragraph (1) for "paragraphs (3) to (5)" there shall be substituted "paragraphs (3) and (4)"; and

(*b*) for paragraphs (2) to (6) there shall be substituted the following paragraphs—

"(2) In the alternative, but subject to the provisions of paragraphs (3) to (5) of this regulation, the contributions specified in the last preceding paragraph may be calculated in accordance with the appropriate scale prepared by the Department.

(a) 1975 c. 15
(b) S.I. 1975/1503 (N.I. 15)
(c) S.R. 1975 No. 319 (II, p. 1492)
(d) The relevant amending regulations are S.R. 1976 Nos. 35, 41 and 113
(e) S.R. 1976 No. 35

(3) Where the amount of earnings to which the appropriate scale is to be applied does not appear in the scale, the amount of contributions payable shall be calculated by reference to the next smaller amount of earnings in the appropriate column in the scale.

(4) Where a scale would, but for the period to which it relates, be appropriate and the earnings period in question is a multiple of the period in that scale, the scale shall be applied by dividing the earnings in question so as to obtain the equivalent earnings for the period to which the scale relates and multiplying the amount of contributions shown in the scale as appropriate to those equivalent earnings by the same factor as the earnings were divided.

(5) Unless the Department agrees to the contrary, all the contributions payable in a year in respect of the earnings paid to or for the benefit of an earner in respect of his employed earner's employment or, where he has more than one such employment and the earnings therefrom are aggregated under paragraph 1(1) of Schedule 1 to the Act, in respect of those employments, shall be calculated either in accordance with paragraph (1) or in accordance with paragraph (2) of this regulation but not partly in accordance with one and partly in accordance with the other of those paragraphs.".

Amendment of regulation 15 of the principal regulations

3. In regulation 15 of the principal regulations (annual maximum)—

(*a*) in paragraph (1)—

(i) for "as respects earners specified in the following provisions of this paragraph" there shall be substituted "where an earner is employed in more than one employment";

(ii) for all the words following "shall not exceed" there shall be substituted "an amount equal to 53 primary Class 1 contributions at the maximum standard rate.";

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

"(1A) For the purpose only of determining the extent of an earner's liability for contributions under the last preceding paragraph, the amount of any primary Class 1 contributions paid at a rate less than the standard rate shall be treated as equal to the amount of any primary Class 1 contributions payable at the standard rate on the same amount of earnings.";

(*c*) in paragraph (2) there shall be deleted all the words after "for the time being".

Insertion of new regulation 17A in the principal regulations

4. After regulation 17 of the principal regulations there shall be inserted the following regulation—

"Exception of persons over pensionable age from Class 1 liability

17A. Where earnings are paid to or for the benefit of an earner on or after the date on which he attains pensionable age in respect of a period before that date and those earnings would not normally fall to be paid before that date, he shall be excepted from liability for primary Class 1 contributions payable in respect of those earnings.".

Amendment of regulation 24 of the principal regulations

5. In paragraph (1) of regulation 24 of the principal regulations (Class 3 contributions) for "the following provisions of this regulation" there shall be

substituted "Article 7(1) of the Pensions Order (circumstances in which persons shall not be entitled to pay Class 3 contributions) and of these regulations".

Insertion of new regulation 24A *in the principal regulations*

6. After regulation 24 of the principal regulations there shall be inserted the following regulation—

"*Precluded Class* 3 *contributions*

24A.—(1) Subject to the provisions of the next succeeding paragraph no person shall be entitled to pay a Class 3 contribution—

(*a*) in respect of any year if he would, but for the payment of such a contribution, be entitled to be credited with a contribution;

(*b*) in respect of any year in which the aggregate of his earnings factors derived from contributions paid or credited is less than 25 times the lower earnings limit and either the period has passed within which any Class 3 contributions may be treated as paid for that year under regulation 33 of these regulations, or he has sooner, in accordance with regulation 29 of these regulations, applied for the return of any Class 3 contributions paid in respect of that year;

(*c*) in respect of any year if the aggregate of his earnings factors derived from contributions paid or credited is more than 25 times the lower earnings limit but less than the qualifying earnings factor and either the period referred to in sub-paragraph (*b*) above has passed or he has sooner as aforesaid applied for the return of any Class 3 contributions paid in respect of that year;

(*d*) in respect of any year if it causes the aggregate of his earnings factors derived from contributions paid or credited to exceed the qualifying earnings factor by an amount which is half or more than half that year's lower earnings limit;

(*e*) in respect of the year in which he attains pensionable age or in respect of any subsequent year;

(*f*) in respect of the years in which he attains 17 or 18 years of age if in an earlier year he has satisfied the first contribution condition for retirement pension or widow's pension or widowed mother's allowance.

(2) Notwithstanding the provisions of sub-paragraph (*a*), (*b*) or (*c*) of the last preceding paragraph a person shall be entitled to pay a Class 3 contribution in respect of any year if it would enable him to satisfy—

(*a*) the first contribution condition for retirement pension or widow's pension or widowed mother's allowance and he has not satisfied that condition at the beginning of that year; or

(*b*) the first contribution condition for maternity grant or the contribution condition for widow's allowance or death grant and he has not satisfied those conditions at the beginning of that year; or

(*c*) the second contribution condition for maternity grant in respect of that year; or

(*d*) the second contribution condition for unemployment or sickness benefit in any case to which regulation 10(8) of the Social Security (Credits) Regulations (Northern Ireland) 1975(f) applies.

(f) S.R. 1975 No. 113 (I, p. 760)

(3) In this regulation "credited" means credited for the purposes of retirement pension, widowed mother's allowance and widow's pension; and "qualifying earnings factor" has the same meaning as in Article 7(3) of the Pensions Order.".

Amendment of regulation 28 *of the principal regulations*

7. In regulation 28 of the principal regulations (return of contributions)—

(*a*) in paragraph (1)—

(i) there shall be deleted ", unless the net amount of the contributions (other than Class 3 contributions) to be returned does not exceed in value £0·50,";

(ii) at the end there shall be added "unless the net amount of the contributions to be returned—

(*a*) in the case of Class 1 contributions, does not exceed in value £0·50; or

(*b*) in the case of Class 2 contributions, does not exceed the amount prescribed in the said regulation 15 by an amount which is half or more than half a Class 2 contribution.";

(*b*) for paragraph (2) there shall be substituted the following paragraphs—

"(2) Where an application under this regulation has been made for the return of contributions paid in excess of the amount prescribed in the said regulation 15 they shall, subject to paragraph (2A) of this regulation, be returned in the following order of priority—

(*a*) primary Class 1 contributions at the reduced rate;

(*b*) Class 2 contributions;

(*c*) primary Class 1 contributions at the standard rate;

(*d*) any amount of primary Class 1 contributions at the percentages applying under Article 29 of the Pensions Order in respect of contracted-out employment as specified in heads (i), (ii) or (iii) below—

(i) where the amount paid at the contracted-out percentage is equal to or exceeds 53 times the amount payable on earnings at the upper earnings limit for that year, the amount paid at the normal percentage in excess of 53 times the amount payable on earnings at the lower earnings limit for that year and the amount paid at the contracted-out percentage if any;

(ii) where the amount paid at the contracted-out percentage is less than 53 times the amount payable on earnings at the upper earnings limit for that year, the amount paid at the normal percentage;

(iii) where no amount has been paid at the contracted-out percentage, the amount paid at the normal percentage.

(2A) Where any primary Class 1 contributions referred to in sub-paragraph (*a*), (*c*) or (*d*) above fall to be returned and any other primary Class 1 contributions which would, but for the provisions of regulation 109 of the Social Security (Contributions) Regulations 1975(**g**) (reduction of rate of Class 1 contributions for members of the forces), have been paid at the rate or, as the case may be, the percentages specified in that sub-paragraph, are paid at the rate reduced in accordance with the said regulation 109, those other contributions shall be returned in priority to the contributions referred to in the said sub-paragraph.".

(**g**) S.I. 1975/492 (1975 I, p. 1516)