1972. No. 160 **[C]**

NATIONAL INSURANCE

Classification

REGULATIONS, DATED 10TH JULY 1972, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 1(3) and 15(1) of the National Insurance Act (Northern Ireland) 1966(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 101(3) of that Act:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Classification) Regulations (Northern Ireland) 1972, and shall come into operation on 7th August 1972.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland) 1966;

"hospital" means any institution for the reception and treatment of persons suffering from illness (including mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(**b**)), any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics and out-patient departments maintained in connection with any such institution or home as aforesaid;

"nurse" means any person who is a registered nurse, an enrolled nurse, or a certified midwife within the meaning of the Nurses and Midwives Act (Northern Ireland) 1970(**c**) and any other person who is within a class of persons prescribed in any regulations(**d**) for the time being in force under section 11(1) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**e**).

Classification of insured persons

2.—(1) For the purposes of the Act, the classification of insured persons shall be modified in accordance with paragraphs (2) to (4).

(2) Subject to the provisions of paragraphs (3) and (4) every insured person shall, in respect of any employment specified in any paragraph in column (A) of Part I of Schedule 1, be treated as an employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph in column (B) of that Part.

(**a**) 1966. c. 6 (N.I.).
(**b**) 1961. c. 15.
(**c**) 1970. c. 11 (N.I.).
(**d**) S.R. & O. (N.I.) 1950, No. 18.
(**e**) 1971. c. 32 (N.I.).

(3) Subject to the provisions of paragraph (4) every insured person shall, in respect of any employment specified in any paragraph in column (A) of Part II of Schedule 1, be treated as a self-employed person in so far as he is gainfully occupied in such employment and is not a person specified in the corresponding paragraph in column (B) of that Part:

Provided that for the purpose of graduated contributions paragraph 12 of that Part shall not apply to the employment of a person on any day or days in any contribution week in continuation of employment by the same employer in which services are or would be rendered normally for more than 8 hours in a week.

(4) Every insured person shall, in respect of any employment specified in any paragraph in column (A) of Part III of Schedule 1, be treated as a non-employed person, and any such employment shall be disregarded, in so far as he is not a person specified in the corresponding paragraph in column (B) of that Part.

Employments treated as continuing

3. For the purposes of the Act, the employment of a person shall be treated as continuing in the circumstances specified in Schedule 2.

Special provisions with respect to persons declared by Supreme Court to be included in a particular class of insured persons

4.—(1) Where, under the provisions of the Act relating to references and appeals to the Supreme Court(f), the Supreme Court decides any question as to the class of insured persons in which a person is to be included, and that decision is inconsistent with some previous determination of a question by the Ministry, then, if the Ministry is satisfied that contributions of a prior class have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, it may, if it appears to it that it would be in the interests of the person by or in respect of whom such contributions have been paid, or of any claimant or beneficiary by virtue of that person's insurance, so to do, direct that that person shall be treated as though he had been included in the class of insured persons corresponding to the contributions paid during any contribution weeks for which contributions of a prior class were so paid before the date on which the decision of the Supreme Court was given, and, if such a direction is given, that person shall be deemed to have been included in that class accordingly for any such weeks.

(2) In any case where the Ministry, on new facts being brought to its notice, or on it being satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact, has revised a determination of a question previously given by it, the provisions of this regulation shall apply with the necessary modifications in the same manner as they apply where the Supreme Court has given a decision inconsistent with a determination previously given by the Ministry.

(3) In this regulation the expression "contributions of a prior class" means, in relation to a non-employed person, contributions as an employed or self-employed person and employer's contributions, and, in relation to a self-employed person, contributions as an employed person and employer's contributions.

(f) See ss. 64(1) and (3) and 72(1) and (4), National Insurance Act (Northern Ireland) 1966.

Persons to be treated as employers

5. In relation to any employment specified in any paragraph in column (A) of Schedule 3, the person specified in the corresponding paragraph in column (B) of that Schedule shall for the purposes of the Act be treated as the employer of the employed person concerned.

Effect of regulations for the purposes of section 42 of the Act

6. The provisions of these regulations shall not have effect for the purpose of the determination of any question whether a person is or is not engaged in a gainful occupation which arises under section 42 of the Act (increase of benefit for adult dependants) or any regulations(**g**) made thereunder.

Revocations

7. The regulations specified in column (2) of Schedule 4 are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 10th day of July 1972.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 10th day of July 1972.

(L.S.) *C. F. Darling,*
Assistant Secretary.

(g) See S.R. & O. (N.I.) 1961, No. 222.

SCHEDULE 1 Regulation 2

PART I

Column (A)	Column (B)
Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.	*Persons excepted from the operation of column (A).*
1. Employment under a public or local authority constituted in Northern Ireland (not being employment under the Crown) notwithstanding that it is not employment under a contract of service.	1. Any person in employment specified in paragraph 1 in column (A) where the service ordinarily performed by the person in that employment (or, if he is employed in more than one such employment, the aggregate service performed by him in those employments) is part-time service only or, where that employment is— (*a*) as a medical practitioner or dental practitioner on the list of the Northern Ireland General Health Services Board under the Health Services Act (Northern Ireland) 1971(h); (*b*) as a chaplain or other minister of religion; (*c*) otherwise than as an officer or servant of a public or local authority.
2. Employment of a medical practitioner or a dental practitioner— (*a*) involving whole-time service in any hospital; or (*b*) in which he is wholly or mainly engaged and is remunerated by salary.	2. None.
3. Employment of a nurse as nurse for the sick or as midwife, notwithstanding that the employment is not under a contract of service.	3. Any person in employment specified in paragraph 3 in column (A) (other than employment under a public or local authority) in any contribution week in which that person is not exclusively so employed by one employer for at least one day.
4. Employment in Northern Ireland in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (other than a hire-purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.	4. None.

(h) 1971. c. 1 (N.I.).

Column (A)	Column (B)
Employments in respect of which, subject to the provisions of regulation 2 and to the exceptions in column (B) of this Part, persons are treated as employed persons.	*Persons excepted from the operation of column (A).*
5. Employment (not being employment under a contract of service)— (*a*) as the Chief Clerk or the Assistant Chief Clerk or the Taxing Master or one of the several registrars of the Supreme Court of Judicature of Northern Ireland (including employment as an assistant registrar or deputy assistant registrar or district registrar); or (*b*) in the county court service for Northern Ireland in the capacity of clerk of the Crown and peace or whole-time registrar.	5. None.
6. Employment (notwithstanding that it is not employment under a contract of service) as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.	6. None.
7. Employment (notwithstanding that it is not employment under a contract of service) as a clerk, secretary, typist or book-keeper or in any similar capacity, or as a telephonist or office machine operator where the person employed is supplied by or through the agency of some third person and where the remuneration of the person employed is paid by or through or on the basis of accounts submitted by that third person.	7. Any person in employment specified in paragraph 7 in column (A) where the services of the person employed are rendered in his own home or on other premises not under the control or management of the person for whom the services are rendered (except where such other premises are premises at which the person employed is required, by reason of the nature of the services, to render the services).