The National Insurance (Classification) Amendment (No. 3) Regulations, 1950

1950 No. 830

Made - - - -	*24th May*, 1950
Laid before Parliament	*24th May*, 1950
Coming into Operation	*12th June*, 1950

M.N.I. 192.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of the powers conferred by section 1 of the National Insurance Act, 1946(**a**), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Classification) Amendment (No. 3) Regulations, 1950, shall be read as one with the National Insurance (Classification) Regulations, 1948(**b**) (hereinafter referred to as "the principal regulations") as amended(**c**), and shall come into operation on the 12th June, 1950.

Addition to the principal regulations

2. After regulation 5 of the principal regulations there shall be added the following regulation—

"*Effect of Regulations for the purposes of section 24 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 24 of the Act (which section relates to increase of benefit for adult dependants) or any regulations(**d**) made thereunder."

Amendments to Part II of the First Schedule to the principal regulations

3.—(1) Part II of the First Schedule to the principal regulations (which Part sets out, in column (A) employments in respect of which persons are treated as self-employed persons and, in column (B), the persons excepted from the operation of column (A)) shall be amended in accordance with the succeeding paragraphs of this regulation.

(2) Immediately after the word "business" in sub-paragraph (*a*) of paragraph 7 of column (B) (which sub-paragraph relates to persons in employment of a casual nature which is for the purposes of the employer's trade or business) there shall be added the following words:—

"or, where the employer is a public or local authority, for the purposes of the exercise and performance of the powers and duties of the authority."

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) S.I. 1948 (No. 1425) I, p. 2738.
(**c**) S.I. 1949 (Nos. 86 and 1518) I, p. 2705–6, and S.I. 1950 No. 765, p. 10 above.
(**d**) *See* National Insurance (Unemployment and Sickness Benefit) Regulations, 1948 (S.I. 1948 (No. 1277) I, p. 2676) and S.I. 1949 (Nos. 1391 and 1983) I, pp. 2698–2700.

(3) There shall be substituted for paragraph 10 of column (A) (which paragraph provides that persons shall be treated as self-employed persons in respect of certain employment by any one employer for less than four hours in a contribution week) the following paragraph:—

"10. Employment (not being employment specified in paragraphs 11 and 11A of Column (A)) of a person by any one employer on any day or days in any contribution week on which that person renders services in that employment where such services are rendered for less than 4 hours in that week."

(4) There shall be substituted for paragraph 11 of column (A) (which paragraph provides that persons shall be treated as self-employed persons in respect of employment by any one employer in cleaning or other domestic work for less than eight hours in a contribution week) the following paragraph:—

"11. Employment of a person in cleaning or other domestic work by any one employer on any day or days in any contribution week on which that person renders services, where such services are rendered for less than eight hours in that week."

(5) Immediately after paragraph 11 there shall be added—

(*a*) in column (A) the following paragraph:—

"11A. Employment of a person in the supervision of the consumption of school meals provided mainly for day pupils by an education authority or other school governors or managers on any day or days in any contribution week on which that person renders services, where such services are rendered for less than eight hours in that week."

(*b*) in column (B) the following paragraph:—

"11A. None."

Amendments to Part III of the First Schedule to the principal regulations

4.—(1) Part III of the First Schedule to the principal regulation (which Part sets out in column (A) employments in respect of which persons are treated as non-employed persons and their employment therein disregarded and in column (B), the persons excepted from the operation of column (A)) shall be amended in accordance with the succeeding paragraphs of this regulation.

(2) There shall be substituted for paragraph 18 of column (A) (which paragraph provides that persons shall be treated as non-employed persons in respect of certain employment at the week-end) the following paragraph:—

"18. Employment of a person by any one employer in any contribution week—

(*a*) on the Sunday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person is also employed by the same employer on the Monday of the succeeding contribution week; or

(*b*) on the Monday where services (not exceeding in length a normal working day) are rendered in that employment only on that day in that week and that person has also been employed by the same employer only on the Saturday, or on the Friday and the Saturday, and on the Sunday in the preceding contribution week."

(3) Immediately after paragraph 44 there shall be added in column (A) the following paragraph:—

"44A. Employment, involving part time service only, as a leader, helper or instructor in a play centre established in accordance with subsection (1) of section 53 of the Education Act, 1944(a) or in Scotland in accordance with subsection (1) of section 3 of the Education (Scotland) Act, 1946(b)."

(4) Immediately after paragraph 48 there shall be added in column (A) the following paragraph:—

"48A. Employment of a person undergoing full-time education where the service in that employment is rendered in or about his place of education to the person, body or authority providing the education."

(5) There shall be substituted for paragraph 51 of column (A) (which paragraph provides that persons shall be treated as non-employed persons in respect of certain employment in attendance upon old age or retirement pensioners or persons in receipt of national assistance) the following paragraph:—

"51. Employment, involving part-time service only, in attendance upon old age or retirement pensioners or persons in receipt of national assistance where the employer is not—

(*a*) the person to whom attendance is given; or

(*b*) the person or body carrying on a hospital or accommodation provided under Part III of the National Assistance Act, 1948(c), or any other institution, whether maintained out of monies provided by Parliament or otherwise, in which (as the case may be) the person to whom attendance is given is residing."

(6) Immediately after paragraph 53 there shall be added—

(*a*) in column (A) the following paragraph:—

"54. Employment in connection with the recording or counting of votes for the purposes of—

(*a*) a Parliamentary or local government election; or

(*b*) an election held for the purposes of a society, association or similar body."; and

(*b*) in column (B) the following paragraph:—

"54. None."

(7) Immediately after paragraph 55 there shall be added—

(*a*) in column (A) the following paragraph:—

"56. Employment, involving part-time service only, by the Air Council as a member of the Royal Observer Corps."; and

(*b*) in column (B) the following paragraph:—

"56. Any person in employment specified in paragraph 56 of column (A) where he is undergoing training or instruction for a period of not less than seventy-two consecutive hours."

(a) 7 & 8 Geo. 6. c. 31. (b) 9 & 10 Geo. 6. c. 72.
(c) 11 & 12 Geo. 6. c. 29.

Revocation of provisional regulations

5. The National Insurance (Classification) Amendment Provisional Regulations, 1950(a), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Dated this 24th day of May, 1950.

Edith Summerskill,
Minister of National Insurance.

R. J. Taylor,
Wm. Hannan,
Two of the Lords Commissioners of
His Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which revoke and replace the National Insurance (Classification) Amendment Provisional Regulations, 1950, contain miscellaneous amendments to the National Insurance (Classification) Regulations, 1948. Regulation 2 secures that the provisions of the principal regulations by virtue of which certain gainful occupations are disregarded shall not have effect for the purpose of determining whether an adult dependant, in respect of whom an increase of benefit is claimed under section 24 of the National Insurance Act, 1946, is or is not engaged in a gainful occupation. Regulation 3 contains amendments adding to, and clarifying certain provisions of the principal regulations relating to employments in respect of which persons are treated as self-employed persons. Regulation 4 adds certain employments to those in respect of which persons are treated as non-employed persons.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated 19th April, 1950, is contained in House of Commons Paper No. 71 published by His Majesty's Stationery Office.

CONTRIBUTIONS

The National Insurance (Contributions) Amendment Regulations, 1950

1950 No. 330

Made - - - -	10*th March*, 1950
Laid before Parliament	10*th March*, 1950
Coming into Operation	16*th March*, 1950

M.N.I. 186.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 8 (1) (*b*) of the National Insurance

(a) S.I. 1950 No. 155.