STATUTORY INSTRUMENTS

1971 No. 1728

SOCIAL SECURITY

The National Insurance (Classification) Amendment Regulations 1971

Made - - -	*26th October* 1971
Laid before Parliament	*4th November* 1971
Coming into Operation	
Regulation 3	*8th November* 1971
Remainder	*29th November* 1971

The Secretary of State for Social Services, in conjunction with the Treasury, in exercise of powers under sections 1(3) and 16(1) of the National Insurance Act 1965(**a**) and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them in accordance with section 108 of that Act, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Classification) Amendment Regulations 1971, shall be read as one with the National Insurance (Classification) Regulations 1948(**b**), as amended (**c**) (hereinafter referred to as "the principal regulations") and shall come into operation in the case of regulation 3 on 8th November 1971, and in the case of the remainder on 29th November 1971.

Amendment of Part I of Schedule 1 to the principal regulations

2. In Part I of Schedule 1 to the principal regulations (which Part sets out in column (A) employments in respect of which persons are treated as employed persons, and in column (B) the persons excepted from the operation of column (A)) for paragraphs 5C of column (A) and column (B) (office staff supplied through third persons) there shall be substituted—

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

"5C. Employment, (not being employment under a contract of service or employment in respect of which a person is, under the other provisions of these regulations, treated as an employed person) in which the person employed renders, or is under an obligation to render, personal service and is subject to supervision, direction or

(**a**) 1965 c. 51. (**b**) S.I. 1948/1425 (Rev. XVI, p. 95; 1948 I, p. 2738).
(**c**) The relevant amending instruments are S.I. 1950/830, 1970/217 (1950 II, p. 12; 1970 I, p. 949).

control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including, in the case of a body of persons unincorporate, a body of which the person employed is a member) and—

(i) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person ; or

(ii) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed." ; and

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

"5C. Any person in employment specified in paragraph 5C of column (A)—

(*a*) where the service of the person employed is rendered in his own home or on other premises not under the control or management of the person to whom the person employed is supplied (except where such other premises are premises at which the person employed is required, by reason of the nature of the service, to render service) ; or

(*b*) who is employed as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model ; or

(*c*) in a case where remuneration is not paid by or through, or on the basis of accounts submitted by, that third person—

(i) where the person employed has obtained that employment through a third person as part of that third person's activities in which persons seeking employment are introduced to persons requiring their services ; and

(ii) where as a result of such an introduction the person employed and the person to whom he has been introduced have entered into a contract with each other for the rendering of such service ; and

(iii) where only the person employed and the person to whom he has been introduced have a direct financial interest in the continued employment in that employment of the person employed.".

Amendment of Part II of Schedule 1 *to the principal regulations*

3. In Part II of Schedule 1 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)) immediately after paragraph 6 there shall be added—

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

"7. Employment by any one employer as an interviewer for the purpose of obtaining information about habits or opinions of members of the public or any particular category or description of persons, where services in that employment are rendered normally for

not more than 28 hours in a contribution week." ; and

(*b*) in column (B) the following:—

"7. None.".

Amendment of Schedule 3 to the principal regulations

4. In Schedule 3 to the principal regulations (which sets out in column (B) the persons who are to be treated for the purposes of the National Insurance Act 1965 as employers of persons employed in employments specified in column (A) thereof) for paragraphs 8 of column (A) and column (B) (persons treated as employers of office staff supplied through third persons) there shall be substituted—

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

"8. Employment, whether under a contract of service or not (not being employment specified in paragraph 5C of column (B) of Schedule 1 to these regulations or an employment to which any other paragraph of this Schedule applies) in which the person employed renders or is under an obligation to render personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including in the case of a body of persons unincorporate, a body of which the person employed is a member) and—

(i) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person ; or

(ii) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed." ; and

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

"8. (*a*) In England and Wales where the person employed is supplied by or through the agency of a body of persons unincorporate and the person employed is a member of that body, the other members of that body, and in any other case, the third person by whom or through whose agency the person employed is supplied ;

(*b*) in Scotland, the third person by whom or through whose agency the person employed is supplied.".

Signed by authority of the Secretary of State for Social Services.

Paul Dean,
Parliamentary Under Secretary of State,
Department of Health and Social Security.

22nd October 1971.

Walter Clegg,
P. L. Hawkins,
Two of the Lords Commissioners of
Her Majesty's Treasury.

26th October 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Classification) Regulations 1948. Regulation 2 provides for the inclusion among the employments in respect of which persons are treated as employed persons, certain employments where the persons employed are supplied by or through the agency of a third person. Regulation 4 provides that that third person shall be treated for the purposes of the National Insurance Act 1965, as the employer of the persons employed. These amendments supersede the provisions relating to office staff supplied through third persons.

Regulation 3 provides for the inclusion among the employments in respect of which persons are treated as self-employed persons, employment as a public opinion or market research interviewer.

The report of the National Insurance Advisory Committee dated 4th September 1971 on the preliminary draft of these Regulations is contained in House of Commons Paper No. 6 (Session 1971-72) published by Her Majesty's Stationery Office.