1968. No. 239 **[C]**

NATIONAL INSURANCE

Classification

REGULATIONS, DATED 1ST NOVEMBER 1968, 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:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Classification) Amendment Regulations (Northern Ireland) 1968, shall be read as one with the National Insurance (Classification) Regulations (Northern Ireland) 1948(b) (hereinafter referred to as "the principal regulations") and shall come into operation on 4th November 1968.

Amendment of regulation 1(2) *of the principal regulations*

2. For the definition of "nurse" in regulation 1(2) of the principal regulations, there shall be substituted the following definition:

> " 'nurse' means any person who is a registered nurse, an enrolled nurse, or a certified midwife within the meaning of the Nurses and Midwives Acts (Northern Ireland) 1959(c) and 1961(d) and any other person who is within a class of persons prescribed in any regulations(e) for the time being in force under section 7(1) of the Nurses Act (Northern Ireland) 1946(f);".

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

3. In Part I of Schedule 1(g) 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)) immediately after paragraph 4A there shall be added—

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

> "4B. 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."; and

(*b*) in column (B):

> "4B. None.".

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

4.—(1) 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

---

(a) 1966. c. 6 (N.I.).
(b) S.R. & O. (N.I.) 1948, No. 222.
(c) 1959. c. 19.
(d) 1961. c. 14.
(e) S.R. & O. (N.I.) 1950, No. 18.
(f) 1946. c. 15.
(g) See Sch. to S.R. & O. (N.I.) 1957, No. 270.

self-employed persons and, in column (B), the persons excepted from the operation of column (A)), paragraph 11 of column (B), which provides that certain persons shall be excepted from the operation of paragraph 11 of column (A) (employment by any one employer in any contribution week where the person employed renders services for not more than 4 or 8 hours in a week) shall be amended in accordance with paragraph (2).

(2) In paragraph 11 of column (B) immediately after the words "of column (A)" there shall be inserted "(*a*)" and at the end there shall be added—

"or (*b*) who is employed in any contribution week in any employment so specified which is one of two or more such employments by different employers who carry on business in association, to the extent following:

(i) where in the immediately preceding week or weeks the person has been in the employment of any one or more such employers and has rendered or normally would have rendered services in that employment or those employments for more than 8 hours a week in aggregate, in respect of any services rendered by him in such employment or employments in the contribution week in excess of 4 hours in aggregate;

(ii) in any other case, in respect of services rendered by him in such employments in the contribution week in excess of 8 hours in aggregate.".

Amendments of Schedule 3 to the principal regulations

5.—(1) 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 (Northern Ireland) 1966 as employers of persons employed in the employments specified in column (A) thereof) shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph 3 there shall be substituted the following paragraph:

(*a*) in column (A) thereof:

"3. Employment of a nurse (as defined in regulation 1(2)) as a nurse for the sick or as a midwife, whether under a contract of service or not, not being employment specified in paragraph 3 of column (B) of the First Schedule, or paragraph 15 of column (A) of that Schedule, where the pecuniary remuneration in respect of that employment is received—

(*a*) from, or on the nurse's behalf by, any person carrying on an agency for the supply of nurses within the meaning of the Nurses Act (Northern Ireland) 1946; or

(*b*) from any local authority; or

(*c*) from any person or body of persons carrying on a hospital."; and

(*b*) in column (B) thereof:

"3. Where the pecuniary remuneration is received on the nurse's behalf by any person carrying on such an agency as is specified in paragraph 3(*a*) of column (A), the agency and in any other case, the person or body from whom the pecuniary remuneration is received.".

(3) Immediately after paragraph 4 there shall be added:

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

"5. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house."; and

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

"5. (*a*) Where the person employed is supplied by, or through the agency of, some third person and receives his remuneration from, or through the agency of that third person, that third person;

(*b*) in any other case, the person with whom the person employed contracted to do the work.".

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 1st day of November 1968.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 1st day of November 1968.

(L.S.) *James V. Morrison,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations contain amendments to the National Insurance (Classification) Regulations (Northern Ireland) 1948.

Regulation 3 provides for the inclusion among employments in respect of which persons are treated as employed persons, employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house. Regulation 4 provides that persons who are employed by two or more employers who carry on business in association when the services in those employments have exceeded 4 or 8 hours in any contribution week in the aggregate will not continue to be regarded as self-employed persons. Regulation 5 prescribes the person who shall be treated for the purposes of the National Insurance Act (Northern Ireland) 1966 as the employer of the office cleaner referred to in regulation 3, and of a nurse whose remuneration is received from, or on the nurse's behalf by, an agency for the supply of nurses or who receives remuneration from a local authority or hospital.