STATUTORY INSTRUMENTS

1975 No. 219

SOCIAL SECURITY

The Social Security (Categorisation of Earners) Amendment Regulations 1975

Made - - - -	*24th February* 1975
Laid before Parliament	*4th March* 1975
Coming into Operation	*25th March* 1975

The Secretary of State for Social Services in exercise of the powers conferred upon her by sections 1(8), and 2(5) of, and paragraph 6(1)(*k*) of Schedule 1 to, the Social Security Act 1973**(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 Social Security (Categorisation of Earners) Amendment Regulations 1975 shall be read as one with the Social Security (Categorisation of Earners) Regulations 1974**(b)** (hereinafter referred to as " the principal regulations ") and shall come into operation on 25th March 1975.

Amendment of regulation 2 *of the principal regulations*

2. In regulation 2 of the principal regulations (treatment of earners in one category of earners as falling within another category) after paragraph (2) there shall be inserted the following paragraph:—

" (2A) Subject to the provisions of paragraph (3) of this regulation, every earner shall, in respect of the employment described in paragraph 3A in column (A) of Part IA of the said Schedule 1, be treated as falling within the category of a self-employed earner in so far as he is gainfully employed in such employment and is not a person specified in the corresponding paragraph in column (B) of that Part, notwithstanding that the employment is under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E."

Amendment of regulation 4 *of the principal regulations*

3. In regulation 4(2) of the principal regulations (special provisions with respect to persons declared by the High Court to be persons falling within aparticular category of earner) for the words "In any case where the

(a) 1973 c. 38. (b) S.I. 1974/1244 (1974 II, p. 4709).

Secretary of State, on new facts being brought to her notice," there shall be substituted the words " Where the Secretary of State, on review under section 66(1) of the former principal Act(a) ".

Amendment of paragraphs 3 *and* 5 *of Schedule* 1 *to the principal regulations*

4. In paragraphs 3 and 5 of Schedule 1 to the principal regulations (employments in respect of which earners are treated as falling within the category of employed earner and employments which are to be disregarded) for the words " a trade or business " there shall be substituted in each case the words " the spouse's employment ".

Addition of new Part IA to Schedule 1 *of the principal regulations*

5. After Part I of Schedule 1 to the principal regulations there shall be inserted as Part IA the provisions set out in Schedule A to these regulations.

Consequential and minor amendments of the principal regulations

6. The provisions of the principal regulations specified in the second column of Schedule B to these regulations shall be amended as specified in the third column of that Schedule.

Barbara Castle,
Secretary of State for Social Services.

24th February 1975.

Regulation 5

SCHEDULE A

The following provisions are by virtue of regulation 5 of these regulations to be inserted in the principal regulations as Part IA of Schedule 1 thereto.

PART IA

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, earners are treated as falling within the category of self-employed earner.	Persons excepted from the operation of column (A).
3A. Employment as a minister of religion.	3A. Any person in employment described in paragraph 3A of column (A) in so far as the employment is by or under a public or local authority, a school or other similar institution or as a chaplain to Her Majesty's forces.

(a) *See* section 84(6) of, and Part II of Schedule 21, to the Social Security Act 1973.

SCHEDULE B

Regulation 6

CONSEQUENTIAL AND MINOR AMENDMENTS OF THE PRINCIPAL REGULATIONS

Item	Provision	Amendments
1	Regulation 2	In paragraph (1), for the words " the provisions of paragraph (2) " there shall be substituted the words " the following provisions ".
2	Regulation 4	In paragraph (1), for the words " she " or " her " there shall respectively be substituted the words " the Secretary of State " and " him ". In paragraph (2), for the word " her " there shall be substituted the word " him ".
3	Schedule 1, Column (A), paragraph 6	After the words " Any employment or employments as a self-employed earner " there shall be inserted the words " (including any employment in respect of which a person is, under these regulations, treated as falling within the category of a self-employed earner) ".
4	Schedule 2	For the words " Where a person is employed as a self-employed earner, that employment shall " there shall be substituted the words " Where a person is employed as a self-employed earner or in an employment in respect of which he is, under these regulations, treated as falling within the category of a self-employed earner, the employment shall in either case ".
5	Schedule 3, Column (B), paragraph 1(*b*)	After the words " in any other case," there shall be inserted the words " except where the employment is also one described in paragraph 3 in column (A) of this Schedule,".
6	Regulation 5, Schedule 1, Column (B), paragraph 2 and Schedule 3, Column (A), paragraph 2	For the words " employment specified " wherever those words appear there shall be substituted the words " employment described ".
7	Schedule 3, Column (A), paragraph 3	For the words " employment speci- in paragraph 2 in column (A) of that Schedule " there shall be substituted the words " employment described in paragraph 2 in column (A) of this Schedule ".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Social Security (Categorisation of Earners) Regulations 1974 (" the principal regulations ") and, being made before the day appointed for the coming into force of section 2 of the Social Security Act 1973, by virtue of section 48(2) of, and paragraph 16 of Schedule 12 to, that Act, are not required to be referred to the National Insurance Advisory Committee and no such reference has been made.

The Regulations by the amendment of regulation 2 of the principal regulations and the addition of a new Part IA to Schedule 1 to those regulations make provision for ministers of religion to be treated as self-employed earners. They extend the application of regulation 4 of the principal regulations (special provisions with respect to persons declared by the High Court to be persons falling within a particular category of earner) to all cases of revision on review by the Secretary of State. They also extend the provisions of paragraphs 3 and 5 of Schedule 1 to the principal regulations in relation to the employment of a person by his or her spouse.

The other amendments are of a consequential or minor nature.

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