STATUTORY INSTRUMENTS

1977 No. 1015

SOCIAL SECURITY

The Social Security (Categorisation of Earners) Amendment Regulations 1977

Made - - - -	15*th June* 1977
Laid before Parliament	16*th June* 1977
Coming into Operation:	
Regulations 1 *and* 8	7*th July* 1977
Remainder - -	17*th August* 1977

The Secretary of State for Social Services in exercise of the powers conferred upon him by sections 2(2) and 4(5) of the Social Security Act 1975(**a**) and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the draft submitted to them in accordance with section 139 of that Act, 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 1977 shall be read as one with the Social Security (Categorisation of Earners) Regulations 1975(**b**) as amended(**c**) (hereinafter referred to as " the principal regulations ") and shall come into operation as to this regulation and regulation 8 on 7th July 1977 and as to the remainder on 17th August 1977.

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

2. In regulation 1(2) of the principal regulations (interpretation) after the definition "the Act" there shall be inserted the following definition:—

' "educational establishment" includes—

(*a*) a place where instruction is provided in any course or part of a course designed to lead to a certificate, diploma, degree or professional qualification; or

(*b*) a place where instruction is provided in any course or part of a course being the same as, or substantially similar to, any such course or part of a course as is referred to in (*a*) above but which is not designed to lead to a certificate, diploma, degree or professional qualification.'

Amendment of regulation 2(3) *of the principal regulations*

3. In regulation 2(3) of the principal regulations (treatment of earners in one category of earners as falling within another category) for the words "the employment described in paragraph 5" there shall be substituted the words "any employment described in any paragraph".

(a) 1975 c. 14. (b) S.I. 1975/528 (1975 I, p. 1726).
(c) S.I. 1976/404 (1976 I, p. 1078).

Revocation of regulation 6 *of, and paragraph* 2 *in Schedule* 1 *to, the principal regulations*

4. Regulation 6 of, and paragraph 2 in Part I of Schedule 1 to, the principal regulations are hereby revoked.

Amendment of paragraph 3 *in column* (*A*) *of Schedule* 1 *to the principal regulations*

5. In paragraph 3 in column (A) of Schedule 1 to the principal regulations for the words "under the other provisions of these regulations" there shall be substituted the words "under the provisions of paragraph 1 or 4 of this Schedule".

Insertion of new paragraph 4A *in Part I of Schedule* 1 *to the principal regulations*

6. After paragraph 4 of Part I of Schedule 1 to the principal regulations there shall be inserted the following paragraph:—

(*a*) in column (A)—

"4A. Employment (not being employment described in paragraph 3 in column (A) of this Schedule) as a lecturer, teacher, instructor or in any similar capacity in an educational establishment by any person providing education being employment in which—

(*a*) the person employed has agreed, prior to giving the instruction, to give it on at least four days in three consecutive months; and

(*b*) the person employed gives the instruction in the presence of the persons to whom the instruction is given except where the employment is in the Open University; and

(*c*) the earnings in respect of the employment are paid by, or on behalf of, the person providing the education."

(*b*) in column (B)—

"4A. Any person in employment described in paragraph 4A in column (A) where the instruction is given as public lectures."

Insertion of new paragraph 5A *in Part II of Schedule* 1 *to the principal regulations*

7. After paragraph 5 of Part II of Schedule 1 to the principal regulations there shall be inserted the following paragraph:—

(*a*) in column (A)—

"5A. Employment (not being employment described in paragraph 3 in column (A) of this Schedule) by any person responsible for the conduct or administration of any examination leading to any certificate, diploma, degree or professional qualification—

(*a*) as an examiner, moderator or invigilator or in any similar capacity; or

(*b*) in which the person employed is engaged to set questions or tests for any such examination,

under a contract where the whole of the work to be performed is to be performed in less than twelve months."

(*b*) in column (B)—

"5A. None."

Insertion of new paragraph 9 *in Part III of Schedule* 1 *to the principal regulations*

8. After paragraph 8 of Part III of Schedule 1 to the principal regulations there shall be inserted the following paragraph:—

(*a*) in column (A)—

"9. Employment for the purposes of any parliamentary or local government election—

(*a*) in England and Wales as a returning officer by virtue of section 40 or 41 of the Local Government Act 1972(**a**) or as an acting returning officer by virtue of section 18 of the Representation of the People Act 1949(**b**); or

(*b*) in Scotland as a returning officer by virtue of section 17(2) of the Representation of the People Act 1949 or section 6 of the Local Government (Scotland) Act 1973(**c**); or

(*c*) of any person by a returning officer or, as the case may be, an acting returning officer referred to in (*a*) or (*b*) above."

(*b*) in column (B)—

"9. None."

Amendment of paragraph 2 *in column* (*A*) *of Schedule* 3 *to the principal regulations*

9. In paragraph 2 in column (A) of Schedule 3 to the principal regulations for the words "to which any other paragraph of this Schedule applies" there shall be substituted the words "to which paragraph 1, 3 or 4 of this Schedule applies".

Insertion of new paragraph 2A *in Schedule* 3 *to the principal regulations*

10. After paragraph 2 of Schedule 3 to the principal regulations there shall be inserted the following paragraphs:—

(*a*) in column (A)—

"2A. Employment of a person by his or her spouse for the purposes of the spouse's employment."

(*b*) in column (B)—

"2A. The spouse."

Insertion of new paragraph 5 *in Schedule* 3 *to the principal regulations*

11. After paragraph 4 of Schedule 3 to the principal regulations there shall be inserted the following paragraphs:—

(*a*) in column (A)—

"5. Employment (not being employment described in paragraph 4A in column (B) of Schedule 1 to these regulations or an employment to which paragraph 2 of this Schedule applies) as a lecturer, teacher, instructor or in any similar capacity in an educational establishment by any person providing education being employment in which—

(*a*) the person employed has agreed, prior to giving the instruction, to give it on at least four days in three consecutive months; and

(*b*) the person employed gives the instruction in the presence of the persons to whom the instruction is given except where the employment is in the Open University; and

(a) 1972 c. 70. (b) 1949 c. 68. (c) 1973 c. 65.

(*c*) the earnings in respect of the employment are paid by, or on behalf of, the person providing the education."

(*b*) in column (B)—

"5. The person providing the education."

David Ennals,
Secretary of State for Social Services.

15th June 1977.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations further amend the Social Security (Categorisation of Earners) Regulations 1975 ("the principal regulations").

They make provision for persons employed to give instruction (other than occasional instruction) in an educational establishment to be treated as employed earners, and for the secondary contributor in respect of such employment. They also provide for persons employed as examiners for any examination leading to an academic qualification to be treated as self-employed earners where the whole of the work is to be performed in less than twelve months.

The Regulations also amend the principal regulations by prescribing a secondary contributor in respect of employment of a person by his or her spouse. They also revoke the provisions of the principal regulations relating to persons employed as public opinion or market research interviewers.

The Regulations also provide for employments as returning officer and of persons employed for the purposes of any parliamentary or local government election to be disregarded.

The other amendments are of a consequential nature.

The report of the National Insurance Advisory Committee on the draft of these Regulations dated 9th June 1977 is contained in the House of Commons Paper No. 418 (Session 1976–77) published by Her Majesty's Stationery Office.

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