1977 No. 193

SOCIAL SECURITY

The Social Security (Categorisation of Earners) (Amendment) Regulations (Northern Ireland) 1977

Made . . . . . *6th July* 1977

Coming into operation . . . *17th August* 1977

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 2(2) and 4(5) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it 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 (Northern Ireland) 1977, shall be read as one with the Social Security (Categorisation of Earners) (Northern Ireland) Regulations 1975(**b**), as amended(**c**), (hereinafter referred to as "the principal regulations") and shall come into operation 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 of "the Department" 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(2*A*) *of the principal regulations*

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

Amendment of paragraph 2 *in column* (*A*) *of Schedule* 1 *to the principal regulations*

4. In paragraph 2 in column (A) of Schedule 1 to the principal regulations for "under the other provisions of these regulations" there shall be substituted "under the provisions of paragraph 1 or 3 of this Schedule".

(**a**) 1975 c. 15
(**b**) S.R. 1975 No. 27 (I, p. 139)
(**c**) The amending regulations are S.R. 1975 No. 55 (I, p. 251) and S.R. 1976 No. 112

Insertion of new paragraph 3A in Part I of Schedule 1 to the principal regulations

5. After paragraph 3 of Part I of Schedule 1 to the principal regulations there shall be inserted the following paragraphs:—

(*a*) in column (A)—

"3A. Employment (not being employment described in paragraph 2 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)—

"3A. Any person in employment described in paragraph 3A in column (A) where the instruction is given as public lectures.".

Substitution for Part IA of Schedule 1 to the principal regulations

6. For Part IA of Schedule 1 to the principal regulations (as inserted by regulation 4 of and Schedule A to the Social Security (Categorisation of Earners) Amendment (Northern Ireland) Regulations 1975(**d**) there shall be substituted the Part set out in the Schedule to these regulations.

Insertion of new paragraph 7 in Part II of Schedule 1 to the principal regulations

7. After paragraph 6 of Part II of Schedule 1 to the principal regulations there shall be inserted the following paragraphs:—

(*a*) in column (A)—

"7. Employment for the purpose of any Parliamentary, Northern Ireland Assembly or local government election—

(*a*) as a deputy returning officer by virtue of Article 9(2) of the Electoral Law (Northern Ireland) Order 1972(**e**); or

(*b*) of any person by the returning officer, or by a deputy returning officer.

In (*b*) above "returning officer" means the returning officer by virtue of Article 9(1) of the Electoral Law (Northern Ireland) Order 1972, or Article 2 of the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973(**f**), and "deputy returning officer" means the deputy returning officer by virtue of section 14A of the Electoral Law Act (Northern Ireland) 1962(**g**), or Article 9(2) of the Electoral Law (Northern Ireland) Order 1972.";

(*b*) in column (B)—

"7. None.".

(**d**) S.R. 1975 No. 55 (I, p. 251)
(**e**) S.I. 1972/1264 (N.I. 13)
(**f**) S.I. 1973/2095 (1973 III, p. 7247)
(**g**) 1962 c. 14 (N.I.)

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

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

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

9. 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 4 in Schedule 3 to the principal regulations

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

(*a*) in column (A)—

"4. Employment (not being employment described in paragraph 3A 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

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

(*b*) in column (B)—

"4. The person providing the education.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 6th July 1977.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

SCHEDULE Regulation 6

Substitution for Part IA of Schedule 1 to the principal regulations

PART IA

Column (A) *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*	Column (B) *Persons excepted from the operation of column (A)*
3B. Employment as a minister of religion.	3B. Any person in employment described in paragraph 3B 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.
3C. Employment (not being employment described in paragraph 2 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.	3C. None.

EXPLANATORY NOTE

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

These regulations further amend the Social Security (Categorisation of Earners) (Northern Ireland) 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 employments of a person by his or her spouse.

The regulations also provide for employments of certain persons for the purposes of Parliamentary, Northern Ireland Assembly or local government elections to be disregarded.

The other amendments are of a consequential nature.