



Statutory Document No. 8/95

The Social Security Act 1982

THE SOCIAL SECURITY LEGISLATION (APPLICATION) ORDER 1995

Approved by Tynwald 22 February 1995

Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 1982(a), and of all other enabling powers, the following Order is hereby made:-

Citation and commencement

1. (1) This Order may be cited as the Social Security Legislation (Application) Order 1995 and shall, subject to section 1(6) of the Social Security Act 1982, come into force as provided in paragraph (2).

(2) This Article and Articles 2 and 3 shall come into force forthwith and each provision of the applied legislation, as modified, shall come into force or be deemed to have come into force as the case may be, on the same day as that provision came into force in Great Britain.

Interpretation

2. (1) In this Order "the applied legislation" means -

- (a) The Social Security (Contributions) Amendment (No. 7) Regulations 1993(b);
- (b) The Social Security (Contributions) Amendment (No. 2) Regulations 1994(c);
- (c) The Social Security (Contributions) Amendment (No. 3) Regulations 1994(d).

(2) Unless the context otherwise requires -

- (a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;

(a) 1982 c. 9; (b) S.I. 1993/2925; (c) S.I. 1994/1553; (d) S.I. 1994/2194.

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- (b) reference in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the Social Security Act 1982, shall be construed as a reference to that legislation as it has effect in the Island.

Application to the Island of the applied legislation

3. The applied legislation, as modified and shown in the Schedule to this Order, shall, subject to paragraph (2), apply to the Island as part of the law of the Island.

SCHEDULE 1

This Schedule sets out the text of the Social Security (Contributions) Amendment (No. 7) Regulations 1993 (S.I. 1993/2925) with such exceptions, adaptations and modifications made where necessary

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1989 No. 2925

SOCIAL SECURITY

The Social Security (Contributions) Amendment
(No. 7) Regulations 1993

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Social Security (Contributions) Amendment (No. 7) Regulations 1993 and shall come into force on 1st December 1993.

(2) In these Regulations "the principal Regulations" means the Social Security (Contributions) Regulations 1979(b).

Amendment of regulation 18 of the principal Regulations

2. In regulation 18 of the principal Regulations (calculation of earnings) for paragraph (6) there shall be substituted the following paragraphs -

"(6) The amount of earnings which is comprised in any payment by way of the conferment of a beneficial interest in -

(a) any units in any unit trust scheme within the meaning of the *Financial Supervision Act 1988 (an Act of Tynwald)*; or

(b) any asset falling within paragraph 9A of Schedule 1A to these Regulations,

having a published selling price and which falls to be taken into account in the computation of a person's earnings shall, for the purposes of earnings-related contributions, be calculated or estimated by reference to the published selling price on the date of that payment.

(a) G.C. 154/75; (b) S.I. 1979/591.

(7) In paragraph (6) of this regulation "published selling price" means the lowest selling price published on the date on which the payment in question is made and where no price is published on that date it means the lowest selling price published on the last previous date on which such a price was published."

Amendment of Schedule 1A to the principal Regulations

3. In Schedule 1A to the principal Regulations (assets not to be disregarded as payments under regulation 19(1)(d) -

(a) in paragraph 5(a) for the words "paragraph 1,2,3 or 4" there shall be substituted the words "paragraphs 1 to 4 or 9A";

(b) after paragraph 9 there shall be inserted the following paragraphs -

"9A. Any commodity or other property of any description not falling within paragraphs 1 to 4 or 6 to 9 of this Schedule and which is capable of being sold on a recognised investment exchange.

9B. Any voucher which is capable of being exchanged for an asset falling within any of the foregoing paragraphs of this Schedule.";

(c) after paragraph 14 there shall be added the following paragraphs -

"15. For the purposes of paragraph 9A of this Schedule "a recognised investment exchange" is -

(a) *a recognised investment exchange within the meaning of the Financial Supervision Act 1988 (an Act of Tynwald); or*

(b) the London Bullion Market.

16. In paragraph 9B of this Schedule "voucher" means any voucher, stamp or similar document, whether used singly or together with such vouchers, stamps or documents."

SCHEDULE 2

This Schedule sets out the text of the Social Security (Contributions) Amendment (No. 2) Regulations 1994 (S.I. 1994/1553) with such exceptions, adaptations and modifications made where necessary

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1994 No. 1553

SOCIAL SECURITY

The Social Security (Contributions) Amendment (No. 2) Regulations 1994

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Social Security (Contributions) Amendment (No. 2) Regulations 1994 and shall come into force on 6th July 1994.

(2) In these Regulations "the principal Regulations" means the Social Security (Contributions) Regulations 1979(a).

Amendment of regulation 25 of the principal Regulations

2. In regulation 25 of the principal Regulations (earnings for the purposes of certificates of exception) for paragraph (2) there shall be substituted the following paragraph -

"(2) In paragraph (1) of this regulation -

- (a) "earnings" means the applicant's net earnings from employment as a self-employed earner, and
- (b) in calculating those net earnings, where the applicant also has earnings from employed earner's employment in the same year which are shown in the accounts of his business as a receipt of that business, those earnings shall be disregarded."

Amendment of regulation 38 of the principal Regulations

3. In regulation 38 of the principal Regulations (treatment for purpose of contributory benefit of late paid contributions under the Act) for paragraphs (7) and (8) there shall be substituted the following paragraphs -

"(7) For the purpose of entitlement to maternity allowance, any such contribution as is specified in paragraph (1) of this regulation which is paid before the beginning of the period for maternity allowance shall, for the purpose of determining whether the contribution condition for such allowance is satisfied, be treated as paid on the due date.

(8) In paragraph (7) of this regulation "the period for maternity allowance" means, in relation to a claimant, the period specified either in section 35(2) of the Social Security Contributions and Benefits Act 1992 or in regulations made under section 35(3) of that Act and which would be the maternity allowance period for that claimant if the contribution condition for such allowance were satisfied."

(a) S.I. 1979/591.

Amendment of Schedule 3 to the principal Regulations

4. In Part I of Schedule 3 to the principal Regulations (prescribed establishments and organisations for the purposes of section 128(3) of the Act) for paragraph 9 there shall be substituted the following paragraph -

"9. The Royal Irish Regiment, to the extent that its members are not members of any force falling within paragraph 1 of this Part of this Schedule."

SCHEDULE 3

This Schedule sets out the text of the Social Security (Contributions) Amendment (No. 3) Regulations 1994 (S.I. 1994/2194) with such exceptions, adaptations and modifications made where necessary

Note: Modifications subject to which the legislation is applied to the Island are in *bold italic* type

STATUTORY INSTRUMENTS

1994 No. 2194

SOCIAL SECURITY

**The Social Security (Contributions) Amendment
(No. 3) Regulations 1994**

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Social Security (Contributions) Amendment (No. 3) Regulations 1994 and shall come into force on 24th August 1994.

(2) In these Regulations "the principal Regulations" means the Social Security (Contributions) Regulations 1979(a).

Amendment of regulation 18 of the principal Regulations

2. In regulation 18 of the principal Regulations -

(a) in paragraph (2) for the words "paragraph (4) or (6)" there shall be substituted the words "paragraph (4),(6) or (8)";

(b) after paragraph (7) there shall be added the following paragraph -

"(8) The amount of earnings which is comprised in any payment by way of the conferment of beneficial interest in any asset falling within paragraph 9ZA, 9ZB or 9B of Schedule 1A to these Regulations and which falls to be taken into account in the computation of a person's earnings shall, for the purposes of earnings-related contributions, be calculated or estimated on the basis of the cost of the asset in question."

Amendment of Schedule 1A to the principal Regulations

3. In Schedule 1A to the principal Regulations (assets not to be disregarded as payments under regulation 19(1)(d) -

(a) in paragraph 5(a) for the words "paragraphs 1 to 4 or 9A" there shall be substituted the words "paragraphs 1 to 4, 9ZA, 9ZB or 9A";

(b) after paragraph 9 there shall be inserted the following paragraphs -

"9ZA. Any alcoholic liquor.

9ZB. Any gemstone.";

(a) S.I. 1979/591.

(c) in paragraph 9A for the words "paragraphs 1 to 4 or 6 to 9" there shall be substituted the words "paragraphs 1 to 4 or 6 to 9ZB";

(d) after paragraph 16 there shall be added the following paragraphs -

"17. In paragraph 9ZA of this Schedule "alcoholic liquor" means any alcoholic liquor within the meaning of section 1 of the *Alcoholic Liquor Duties Act 1986 (an Act of Tynwald)* in respect of which no duty has been paid under that Act *or under the Alcoholic Liquor Duties Act 1979*.

18. In paragraph 9ZB of this Schedule "gemstone" includes stones such as diamond, emerald, ruby, sapphire, amethyst, jade, opal or topaz and organic gemstones such as amber or pearl, whether cut or uncut and whether or not having an industrial use."

Made 12 January 1995

B MAY M.H.K.

Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

1. Section 1 of the Social Security Act 1982 enables the Department by Order to apply to the Island, as part of the law of the Island and incorporating the exceptions, adaptations and modifications, any legislation to which the Act applies.
2. Inter alia, the Act applies to the Social Security Acts 1975 to 1992 (of Parliament) and any statutory instrument made or having effect as if made under those Acts.
3. This Order applies to the Island the legislation referred to in Article 2(1) of the Order the provisions of which, as applied are summarised in the following paragraphs. The applied legislation comes into force or is deemed to have come into force, as the case may be, on the same day as the corresponding provisions come or came into force in Great Britain. Where necessary the provisions have been applied in the Island administratively pending their application by Order.
4. The Social Security (Contributions) Amendment (No. 7) Regulations 1993 (S.I.1993/2925).

These Regulations further amend the Social Security (Contributions) Regulations 1979 ("the principal Regulations").

Regulation 2 amends regulation 18 of the principal Regulations (calculation of earnings) so that where a payment of earnings is made in the form of beneficial interest in any asset capable of being traded on a recognised investment exchange and having a published selling price, the value of that payment is to be determined by reference to that price.

Regulation 3 inserts paragraphs 9A, 9B, 15 and 16 into Schedule 1A to the principal Regulations. (Schedule 1A lists certain assets which are not capable of being payments in kind for the purposes of calculating earnings). Paragraph 9A refers to assets other than those already listed in that Schedule and which are capable of being traded on a recognised investment exchange, paragraph 9B refers to vouchers, and paragraph 15 and 16 define certain terms.

These Regulations do not impose any additional administrative costs on business but the effect will be to require the payment of secondary (employers') Class 1 national insurance contributions which had not previously been due on certain payments of earnings, where those payments of earnings are made by means of assets now covered by these Regulations.

5. The Social Security (Contributions) Amendment (No. 2) Regulations 1994 (S.I.1994/1553).

These Regulations further amend the Social Security (Contributions) Regulations 1979 ("the principal Regulations").

Regulation 2 amends regulation 25 of the principal Regulations so that where a person has earnings from employed earner's employment and those earnings are shown as a receipt of the business on the accounts of the business, they will be disregarded when establishing the person's net earnings from self-employment for the purposes of a certificate of exception from Class 2 liability by reason of small earnings.

Regulation 3 amends regulation 38 of the principal Regulations so that as long as a woman pays contributions before the beginning of her period for maternity allowance, those contributions will be treated as paid for the purposes of entitlement to that allowance although they may have been paid after the date on which they were due.

Regulation 4 amends Part I of Schedule 3 to the principal Regulations by providing that the Royal Irish Regiment, to the extent that its members are not in the regular military forces, is included in Her Majesty's Forces for social security purposes.

6. The Social Security (Contributions) Amendment (No. 3) Regulations 1994 (S.I. 1994/2194).

These Regulations further amend the Social Security (Contributions) Regulations 1979 ("the principal Regulations").

Regulation 2 amends regulation 18 of the principal Regulations so that where a payment of earnings is made by conferring a beneficial interest in gemstones, certain alcoholic liquors or vouchers for those and certain other assets, the amount of the payment is to be established by reference to the cost of the asset in question.

Regulation 3 amends Schedule 1A to the principal Regulations. (This Schedule lists certain assets which are not excluded from the computation of a person's earnings). Four further paragraphs are inserted; paragraph 9ZA refers to certain alcoholic liquors, paragraph 9ZB to gemstones and paragraphs 17 and 18 define these terms.

These Regulations do not impose any additional administrative costs on business but the effect will be to require the payment of secondary (employers') Class 1 national insurance contributions which had not previously been due on certain payments of earnings, where those payments of earnings are made by means of assets now covered by these Regulations.