

1960 No. 1210

NATIONAL INSURANCE

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Graduated Contributions and Non-participating Employments – Miscellaneous Provisions) Regulations 1960

<i>Made</i> - - - -	<i>15th July, 1960</i>
<i>Laid before Parliament</i>	<i>25th July, 1960</i>
<i>Coming into Operation</i>	<i>28th July, 1960</i>

[The regulation set out here is that which continues in force by virtue of regulation 3 of and Schedule 3 to S.I. 1974/2057.

The reader's attention is particularly drawn to the modification of this regulation contained in regulation 10 of S.I. 1974/2057.]

The Minister of Pensions and National Insurance and the National Insurance Joint Authority(a), in conjunction with the Treasury, in exercise of powers conferred by the National Insurance Act 1946(b), the National Insurance (Industrial Injuries) Act 1946(c), the National Insurance Act 1957(d) and sections 2(4) and 7 of the National Insurance Act 1959(e), and of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them and after reference to the Industrial Injuries Advisory Council of Part III of that draft, hereby make the following regulations:

.....

PART II

PROVISIONS AS TO PARTICIPATING AND NON-PARTICIPATING EMPLOYMENTS

Computation of remuneration for graduated contributions purposes

2.—▶(1) Where payments are made to a person on account of remuneration in two or more employments under the same employer which include both an employment which is, and an employment which is not, at the time of payment in respect thereof a non-participating employment, and, under section 4(3)(a) of the National Insurance Act 1965, those payments fall to be aggregated and treated as a single payment of remuneration in one employment, that one employment shall, for the purposes of the said section 4(3)(a), be taken to be—

Amended by reg. 4 of S.I. 1966/1048 as from 5.10.66.

(a) See National Insurance Act 1946, s.63(2), and S.I. 1948/211 (Rev. XVI, p. 367; 1948 I, p. 2905).
(b) 9 & 10 Geo. 6. c.67.
(c) 9 & 10 Geo. 6. c.62.
(d) 5 & 6 Eliz. 2. c.26.
(e) 7 & 8 Eliz. 2. c.47.

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- (a) an employment which is at the time of the payment a non-participating employment, if at the time of the payment (or each payment if there is more than one) in respect of participating employment which falls to be aggregated the person is employed in a non-participating employment under that employer; and
- (b) subject to the provisions of paragraph (2A) of this regulation, in any other case an employment which is at the time of the payment a participating employment;

and for the purposes of this Part of these regulations a “participating employment” means an employment which is not a non-participating employment.

(2) Subject to the provisions of paragraph (2B) of this regulation and without prejudice to the provisions of section 4(5) of the National Insurance Act 1965 as to the disregarding of payments of remuneration, where a payment on account of a person’s remuneration in a participating employment is made at a time when he is employed in a non-participating employment under the same employer, then, if that payment does not fall to be aggregated under section 4(3)(a) of that Act with a payment of remuneration from the other employment, the payment shall, for the purpose of graduated contributions, be treated as a payment on account of remuneration in an employment which is at the time of the payment a non-participating employment.

(2A) Where a payment (hereafter in this paragraph called “the payment in question”) on account of a person’s remuneration in a participating employment is made at a time when that employment and his employment in a non-participating employment under the same employer have both come to an end, then, if the last payment made on account of his remuneration in that participating employment before that participating employment came to an end fell (or would but for its being made before 5th October 1966 have fallen) under the provisions of paragraph (1) or paragraph (2) of this regulation to be treated as a payment on account of remuneration in an employment which was at the time of the payment a non-participating employment, the said provisions shall apply as if the payment in question had been made at a time when the said person was employed in the non-participating employment under that employer.

(2B) The provisions of paragraph (2) of this regulation shall not apply in a case where, having regard to the arrangements which are or might reasonably be made for the calculation and payment of the remuneration, it is not reasonably practicable at or before the time of the payment for any of the persons calculating or making the payment to have such information about the other employment as would enable them to know whether the provisions in question were applicable.◀

Words omitted by reg. 4(2) of S.I. 1966/1048 as from 5.10.60.

(3) For the purpose of ▶◀ this regulation, at the time of a payment on account of his remuneration in a participating employment a person shall be deemed not to be employed in a non-participating employment if—

- (a) his employer is not and has not been liable to pay weekly employer’s contributions in respect of that non-participating employment for the contribution week in which that payment is made and for the thirteen contribution weeks immediately preceding, and his failure to be so liable does not arise by virtue of the provisions of subsection (1) of section 4, or of any regulations(a) made under paragraph (a) of subsection (1) of section 9, of the Act (which provide respectively that not more than one employer’s contribution shall be payable in respect of any person for any week and as to the persons who are to be treated as employers); or
- (b) that payment is made in a contribution week for which his employer is

(a) S.I. 1948/1274, regs. 8 to 10 (Rev. XVI, p. 148: 1948 I, p. 3037).

not liable as aforesaid, being a part of a continuous period which is to last thirteen weeks or more for which he will not be so liable and for which his failure to be so liable does not arise by reason of that person's being, in those weeks, incapable of work or by virtue of the said provisions or of any such regulations.

(4) In this regulation "remuneration" has the same meaning as in the Act of 1959.

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Given under the Official Seal of the Minister of Pensions and National Insurance this fourteenth day of July nineteen hundred and sixty.

John Boyd-Carpenter
Minister of Pensions and National Insurance

Given under the Official Seal of the National Insurance Joint Authority this fourteenth day of July nineteen hundred and sixty.

D.J. Carter
Secretary, National Insurance Joint Authority

Dated this fifteenth day of July nineteen hundred and sixty.

Michael Hughes-Young
J. D. Gibson-Watt
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

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

These Regulations contain in Part II provisions as to the payment of graduated and weekly contributions in the case of persons employed in both participating and non-participating employments and as to the calculation in such cases of the excess graduated contributions which, under the National Insurance Act 1959 are refundable and do not count for benefit.

Parts III to V contain miscellaneous amendments of various Regulations made under the National Insurance Acts, in order to adapt them to the new graduated scheme.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated the 7th July 1960, is contained in the House of Commons Paper No. 265 (Session 1959-60) published by Her Majesty's Stationery Office.

