

National Insurance Contributions Bill

CONTENTS

Application of general anti-abuse rule to national insurance contributions

- 1 GAAR to apply to national insurance contributions
- 2 Power to modify application of GAAR to national insurance contributions

Offshore employers

- 3 Offshore employers to be secondary contributors in certain circumstances
- 4 Secondary contributor where offshore employer defaults on obligations etc
- 5 Offshore employers in default: decisions to give notice and appeals etc

Limited liability partnerships

- 6 Members of limited liability partnerships

Other provision

- 7 Office holders who receive “earnings” to be employed earners
- 8 Armed Forces early departure payments retrospectively disregarded
- 9 Repeal of certain redundant reliefs relating to Class 4 contributions
- 10 Procedure for making certain instruments in respect of Northern Ireland

General

- 11 Short title and extent

Schedule – Office holders in receipt of “earnings” to be employed earners:
consequential provision

A
B I L L

TO

Make provision in relation to national insurance contributions; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application of general anti-abuse rule to national insurance contributions

1 GAAR to apply to national insurance contributions

- (1) In Part 5 of the Finance Act 2013 (general anti-abuse rule)—
- (a) references to tax, other than in references to particular taxes, include national insurance contributions, and 5
 - (b) references to a charge to tax include a liability to pay national insurance contributions.
- (2) Section 206(3) of that Act (list of taxes to which the general anti-abuse rule applies) has effect as if it included a reference to national insurance contributions. 10
- (3) Section 207 of that Act (meaning of “tax arrangements” and “abusive”) has effect as if, in subsection (4)(a), after “income,” there were inserted “earnings (within the meaning of Part 1 of the Social Security Contributions and Benefits Act 1992 or Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992),”.
- (4) Adjustments to be made in respect of national insurance contributions under section 209 of the Finance Act 2013 (counteracting the tax advantages) may be made by a notice given under paragraph 12 of Schedule 43 to that Act (notice of final decision).
- (5) For the purposes of section 210 of that Act (consequential relieving adjustments)— 20
- (a) if a claim under that section relates to Class 4 national insurance contributions, Schedule 1A to the Taxes Management Act 1970 (as that Schedule applies in relation to such contributions) applies to it, and

- (b) if a claim under that section relates to any other class of national insurance contributions, it must be made in writing to HMRC.
- (6) Adjustments to be made in respect of national insurance contributions under that section may be made by a notice given under subsection (7) of that section.
- (7) This section has effect in relation to tax arrangements (within the meaning of Part 5 of the Finance Act 2013 as modified by this section) entered into on or after the day on which this Act is passed. 5
- (8) Subsections (9) and (10) apply where the tax arrangements –
- (a) would not have been tax arrangements but for the modifications made by this section, and 10
- (b) form part of other arrangements entered into before the day on which this Act is passed.
- (9) The other arrangements are to be ignored for the purposes of section 207(3) of the Finance Act 2013, subject to subsection (10).
- (10) Account is to be taken of the other arrangements for the purposes of that section if, as a result, the tax arrangements would not be abusive. 15
- (11) In this section –
- “abusive”, “arrangements” and “HMRC” have the same meaning as in Part 5 of the Finance Act 2013;
- “national insurance contributions” means contributions under either Part 1 of the Social Security Contributions and Benefits Act 1992 or Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992. 20

2 Power to modify application of GAAR to national insurance contributions

- (1) Where a modification is made to Part 5 of the Finance Act 2013 (general anti-abuse rule) that does not apply in relation to national insurance contributions (“the tax only modification”), the Treasury may by regulations –
- (a) make provision for the purpose of applying the tax only modification in relation to national insurance contributions (with or without modifications), 30
- (b) make provision in relation to national insurance contributions corresponding to the tax only modification, or
- (c) otherwise modify the general anti-abuse rule, as it has effect in relation to national insurance contributions, in consequence of, or for the purpose of making provision supplementary or incidental to, the tax only modification. 35
- (2) Regulations under this section –
- (a) may amend, repeal or revoke any provision of an Act or instrument made under an Act (whenever passed or made),
- (b) may make consequential, incidental, supplementary, transitional, transitory or saving provision, and 40
- (c) may make different provision for different cases, classes of national insurance contributions or purposes.
- (3) Regulations under this section must be made by statutory instrument.

- (4) The Treasury may not make regulations under this section that amend or repeal a provision of an Act, unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (5) A statutory instrument containing regulations under this section that does not have to be approved in draft under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament. 5
- (6) In this section –
 “general anti-abuse rule” has the same meaning as in Part 5 of the Finance Act 2013; 10
 “national insurance contributions” means contributions under either Part 1 of the Social Security Contributions and Benefits Act 1992 or Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Offshore employers 15

3 Offshore employers to be secondary contributors in certain circumstances

- (1) In section 1 of the Social Security Contributions and Benefits Act 1992 (outline of contributory system), in subsection (6), for “No” substitute “Subject to section 1A, no”.
- (2) After that section insert – 20
- “1A Residence or presence in Great Britain: further provision**
- (1) This section applies in relation to a person (“A”) if, apart from this section, section 1(6)(a) would prevent A from being liable to pay Class 1 contributions in relation to the employment of an employed earner (“B”). 25
- (2) If the following condition is met, section 1(6)(a) does not prevent A from being so liable so long as section 1(6)(a) does not prevent B from being so liable.
- (3) The condition is that –
- (a) B works for another person (“C”), who is not B’s employer, in the course of the employment, and 30
- (b) C is resident or present or has a place of business in the United Kingdom.
- (4) For the purposes of subsection (3)(a), B “works for” C if B provides, or is involved in the provision of, services to C (whether or not B gives, or is under an obligation to give, personal service to C). 35
- (5) If the following condition is met, section 1(6)(a) does not prevent A from being liable to pay Class 1A contributions in relation to the employment for a tax year.
- (6) The condition is that, as a result of subsection (2), section 1(6)(a) does not prevent A from being liable to pay Class 1 contributions in relation to the employment at a time during the tax year. 40

- (7) For the purpose of determining under this section whether or not section 1(6)(a) prevents a person from being liable to pay Class 1 contributions, it is irrelevant that the person is prevented from being so liable for a reason other than the application of section 1(6)(a).
- (8) The Treasury may by regulations provide that this section does not apply if prescribed conditions are met.” 5
- (3) In section 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in subsection (6), for “No” substitute “Subject to section 1A, no”.
- (4) After that section insert – 10
- “1A Residence or presence in Northern Ireland: further provision**
- (1) This section applies in relation to a person (“A”) if, apart from this section, section 1(6)(a) would prevent A from being liable to pay Class 1 contributions in relation to the employment of an employed earner (“B”). 15
- (2) If the following condition is met, section 1(6)(a) does not prevent A from being so liable so long as section 1(6)(a) does not prevent B from being so liable.
- (3) The condition is that –
- (a) B works for another person (“C”), who is not B’s employer, in the course of the employment, and 20
- (b) C is resident or present or has a place of business in the United Kingdom.
- (4) For the purposes of subsection (3)(a), B “works for” C if B provides, or is involved in the provision of, services to C (whether or not B gives, or is under an obligation to give, personal service to C). 25
- (5) If the following condition is met, section 1(6)(a) does not prevent A from being liable to pay Class 1A contributions in relation to the employment for a tax year.
- (6) The condition is that, as a result of subsection (2), section 1(6)(a) does not prevent A from being liable to pay Class 1 contributions in relation to the employment at a time during the tax year. 30
- (7) For the purpose of determining under this section whether or not section 1(6)(a) prevents a person from being liable to pay Class 1 contributions, it is irrelevant that the person is prevented from being so liable for a reason other than the application of section 1(6)(a). 35
- (8) The Treasury may by regulations provide that this section does not apply if prescribed conditions are met.”
- (5) Any power conferred on the Treasury by virtue of this section to make regulations comes into force on the day on which this Act is passed. 40
- (6) So far as not already brought into force by subsection (5), the amendments made by this section come into force on 6 April 2014.

4 Secondary contributor where offshore employer defaults on obligations etc

(1) In section 7 of the Social Security Contributions and Benefits Act 1992 (meaning of “secondary contributor”), in subsection (1), after “below” insert “and sections 7A and 7B”.

(2) After that section insert – 5

“7A Secondary contributors: certain offshore employers in default etc

(1) This section applies where –

- (a) a person (“the offshore employer”) does not have a registered office or place of business in any EEA state or Switzerland,
- (b) the offshore employer, as a result of section 1A, is not prevented by section 1(6)(a) from being liable to pay Class 1 contributions or Class 1A contributions in respect of an employment of an employed earner (“the relevant employment”), 10
- (c) the offshore employer is the secondary contributor in relation to the payment of earnings to, or for the benefit of, the employed earner in respect of the relevant employment, and 15
- (d) contributions that the offshore employer is liable to pay, or sums due from the employer under PAYE regulations, in respect of the relevant employment are unpaid at the end of the period of 30 days beginning with the day on which the contributions or sums were due to be paid. 20

(2) HMRC may give notice in writing under this section to –

- (a) any relevant intermediary;
- (b) where the condition in subsection (3) is met, an end client business. 25

(3) The condition is that the employed earner does, or has done, work for the end client business that was not arranged by a relevant intermediary who is resident or present or has a place of business in the United Kingdom at the time notice is to be given.

(4) A notice under this section may require the recipient to pay an appropriate amount in respect of any contributions that – 30

- (a) the offshore employer was liable to pay, in respect of the relevant employment, before the date the notice is given, but
- (b) have not been paid before that date.

(5) For the purposes of subsection (4), an “appropriate amount” means such amount as HMRC consider to be just and reasonable, taking into account – 35

- (a) work the employed earner did for, or which was arranged by, the recipient,
- (b) such payments made by or to a relevant intermediary or end client as HMRC consider appropriate, and 40
- (c) any other matters that HMRC consider to be relevant.

(6) If, when notice is given, the employed earner does work for, or arranged by, the recipient in the course of the relevant employment, the notice may provide that the recipient is, from when notice is given, to be treated as the secondary contributor in relation to the payment of 45

earnings to, or for the benefit of, the employed earner in respect of the relevant employment.

- (7) Where notice has been given under subsection (6), the recipient is to cease being treated as mentioned in that subsection if the employed earner ceases to do work for, or arranged by, the recipient in the course of the relevant employment. 5
- (8) In this section –
- “end client” means a person for whom the employed earner works or has worked, as mentioned in section 1A(3)(a), in the course of the relevant employment (and references to the employed earner working for an end client are to be construed accordingly); 10
- “end client business” means an end client –
- (a) that is not an individual, or
- (b) who is an individual who carries on a trade or profession for the purposes of which the employed earner works, or has worked, for the individual in the course of the relevant employment; 15
- “HMRC” means Her Majesty’s Revenue and Customs;
- “recipient” means a person to whom notice is given under this section; 20
- “relevant intermediary” means a person who –
- (a) does not employ the employed earner, and
- (b) makes, or has made, arrangements with an end client for the employed earner to do work for the end client in the course of the relevant employment. 25

7B Offshore employers: provision supplementary to section 7A

- (1) Where the actual amount of the employed earner’s earnings or general earnings in respect of the relevant employment in any period cannot be proved to HMRC’s satisfaction, HMRC may estimate the amount of those earnings, taking into account – 30
- (a) such payments made by or to a relevant intermediary or end client as HMRC consider appropriate, and
- (b) any other matters that HMRC consider to be relevant.
- (2) Subsections (4) to (7) apply where a recipient who is a relevant intermediary becomes insolvent (“the insolvent intermediary”). 35
- (3) For the purposes of subsection (2), a recipient becomes insolvent –
- (a) if a bankruptcy order is made under Part 9 of the Insolvency Act 1986 in respect of the recipient,
- (b) if the recipient’s estate is sequestrated, 40
- (c) on the commencement of a creditor’s voluntary winding up (within the meaning of Part 4 of that Act), or a winding up by the court under Chapter 6 of that Part, of the recipient,
- (d) if the recipient enters administration under Schedule B1 to that Act, or 45
- (e) on the occurrence of any event corresponding to an event falling within paragraphs (a) to (d), which has effect under or as a

- result of the law of Northern Ireland or a country or territory outside the United Kingdom.
- (4) If notice was given to the insolvent intermediary under subsection (6) of section 7A, the insolvent intermediary is no longer to be treated as mentioned in that subsection. 5
- (5) Section 7A applies and the condition in subsection (3) of that section is to be treated as being met in relation to any end client business for whom the insolvent intermediary arranged for the employed earner to work in the course of the relevant employment.
- (6) Any notice given under section 7A to an end client business mentioned in subsection (5) may also require the end client business to pay an appropriate amount in respect of any contributions or other sums the insolvent intermediary owes, by virtue of a notice under section 7A, in respect of the relevant employment. 10
- (7) For the purposes of subsection (6), an “appropriate amount” means such amount as HMRC consider to be just and reasonable, taking into account – 15
- (a) work the insolvent intermediary arranged for the employed earner to do for the end client business,
 - (b) such payments made by or to the end client business or insolvent intermediary as HMRC consider appropriate, and 20
 - (c) any other matters that HMRC consider to be relevant.
- (8) The Treasury may by regulations make provision –
- (a) about the information that must be included in a notice under section 7A, 25
 - (b) about how notice under section 7A is to be given,
 - (c) about when a notice under section 7A is to be treated as having been given,
 - (d) about when sums must be paid by a person to whom such notice is given, and 30
 - (e) for such persons as may be specified or described in the regulations to be treated as, or treated as not being, relevant intermediaries, end clients or end client businesses for the purposes of this section and section 7A.
- (9) In this section – 35
- (a) terms defined in section 7A have the same meaning as in that section, and
 - (b) references to the employed earner are to the employed earner mentioned in that section.”
- (3) In section 7 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (meaning of “secondary contributor”), in subsection (1), after “below” insert “and sections 7A and 7B”. 40
- (4) After that section insert –
- “7A Secondary contributors: certain offshore employers in default etc**
- (1) This section applies where – 45
- (a) a person (“the offshore employer”) does not have a registered office or place of business in any EEA state or Switzerland,

- (b) the offshore employer, as a result of section 1A, is not prevented by section 1(6)(a) from being liable to pay Class 1 contributions or Class 1A contributions in respect of an employment of an employed earner (“the relevant employment”),
- (c) the offshore employer is the secondary contributor in relation to the payment of earnings to, or for the benefit of, the employed earner in respect of the relevant employment, and 5
- (d) contributions that the offshore employer is liable to pay, or sums due from the employer under PAYE regulations, in respect of the relevant employment are unpaid at the end of the period of 30 days beginning with the day on which the contributions or sums were due to be paid. 10
- (2) HMRC may give notice in writing under this section to –
- (a) any relevant intermediary;
- (b) where the condition in subsection (3) is met, an end client business. 15
- (3) The condition is that the employed earner does, or has done, work for the end client business that was not arranged by a relevant intermediary who is resident or present or has a place of business in the United Kingdom at the time notice is to be given. 20
- (4) A notice under this section may require the recipient to pay an appropriate amount in respect of any contributions that –
- (a) the offshore employer was liable to pay, in respect of the relevant employment, before the date the notice is given, but
- (b) have not been paid before that date. 25
- (5) For the purposes of subsection (4), an “appropriate amount” means such amount as HMRC consider to be just and reasonable, taking into account –
- (a) work the employed earner did for, or which was arranged by, the recipient, 30
- (b) such payments made by or to a relevant intermediary or end client as HMRC consider appropriate, and
- (c) any other matters that HMRC consider to be relevant.
- (6) If, when notice is given, the employed earner does work for, or arranged by, the recipient in the course of the relevant employment, the notice may provide that the recipient is, from when notice is given, to be treated as the secondary contributor in relation to the payment of earnings to, or for the benefit of, the employed earner in respect of the relevant employment. 35
- (7) Where notice has been given under subsection (6), the recipient is to cease being treated as mentioned in that subsection if the employed earner ceases to do work for, or arranged by, the recipient in the course of the relevant employment. 40
- (8) In this section –
- “end client” means a person for whom the employed earner works or has worked, as mentioned in section 1A(3)(a), in the course of the relevant employment (and references to the employed earner working for an end client are to be construed accordingly); 45

- “end client business” means an end client –
- (a) that is not an individual, or
 - (b) who is an individual who carries on a trade or profession for the purposes of which the employed earner works, or has worked, for the individual in the course of the relevant employment; 5
- “HMRC” means Her Majesty’s Revenue and Customs;
- “recipient” means a person to whom notice is given under this section;
- “relevant intermediary” means a person who – 10
- (a) does not employ the employed earner, and
 - (b) makes, or has made, arrangements with an end client for the employed earner to do work for the end client in the course of the relevant employment.
- 7B Offshore employers: provision supplementary to section 7A** 15
- (1) Where the actual amount of the employed earner’s earnings or general earnings in respect of the relevant employment in any period cannot be proved to HMRC’s satisfaction, HMRC may estimate the amount of those earnings, taking into account –
 - (a) such payments made by or to a relevant intermediary or end client as HMRC consider appropriate, and 20
 - (b) any other matters that HMRC consider to be relevant.
 - (2) Subsections (4) to (7) apply where a recipient who is a relevant intermediary becomes insolvent (“the insolvent intermediary”).
 - (3) For the purposes of subsection (2), a recipient becomes insolvent – 25
 - (a) if a bankruptcy order is made under Part 9 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) in respect of the recipient,
 - (b) on the commencement of a creditor’s voluntary winding up (within the meaning of Part 5 of that Order), or a winding up by the High Court under Chapter 6 of that Part, of the recipient, 30
 - (c) if the recipient enters administration under Schedule B1 to that Order, or
 - (d) on the occurrence of any event corresponding to an event falling within paragraphs (a) to (c), which has effect under or as a result of the law of England and Wales or Scotland or a country or territory outside the United Kingdom. 35
 - (4) If notice was given to the insolvent intermediary under subsection (6) of section 7A, the insolvent intermediary is no longer to be treated as mentioned in that subsection. 40
 - (5) Section 7A applies and the condition in subsection (3) of that section is to be treated as being met in relation to any end client business for whom the insolvent intermediary arranged for the employed earner to work in the course of the relevant employment.
 - (6) Any notice given under section 7A to an end client business mentioned in subsection (5) may also require the end client business to pay an appropriate amount in respect of any contributions or other sums the 45

insolvent intermediary owes, by virtue of a notice under section 7A, in respect of the relevant employment.

- (7) For the purposes of subsection (6), an “appropriate amount” means such amount as HMRC consider to be just and reasonable, taking into account – 5
- (a) work the insolvent intermediary arranged for the employed earner to do for the end client business,
 - (b) such payments made by or to the end client business or insolvent intermediary as HMRC consider appropriate, and
 - (c) any other matters that HMRC consider to be relevant. 10
- (8) The Treasury may by regulations make provision –
- (a) about the information that must be included in a notice under section 7A,
 - (b) about how notice under section 7A is to be given,
 - (c) about when a notice under section 7A is to be treated as having been given, 15
 - (d) about when sums must be paid by a person to whom such notice is given, and
 - (e) for such persons as may be specified or described in the regulations to be treated as, or treated as not being, relevant intermediaries, end clients or end client businesses for the purposes of this section and section 7A. 20
- (9) In this section –
- (a) terms defined in section 7A have the same meaning as in that section, and 25
 - (b) references to the employed earner are to the employed earner mentioned in that section.”

(5) The amendments made by this section come into force on 6 April 2014.

5 Offshore employers in default: decisions to give notice and appeals etc

- (1) In section 8 of the Social Security Contributions (Transfer of Functions, etc) Act 1999 (decisions by officers of HMRC), in subsection (1), after paragraph (m) insert – 30
- “(n) to decide any question as to the giving or content of a notice under section 7A of the Social Security Contributions and Benefits Act 1992 (secondary contributors: certain offshore employers in default etc).” 35
- (2) In section 11 of that Act (appeals against decisions of HMRC), after subsection (2) insert –
- “(2A) Subsection (2)(a) does not give an employee a right to appeal to the tribunal in respect of a decision under section 8(1)(n).” 40
- (3) In article 7 of the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 (S.I. 1999/671) (decisions by officers of HMRC), in paragraph (1), after sub-paragraph (m) insert –
- “(n) to decide any question as to the giving or content of a notice under section 7A of the Social Security Contributions and 45

Benefits (Northern Ireland) Act 1992 (secondary contributors: certain offshore employers in default etc).”

- (4) In article 10 of that Order (appeals against decisions of HMRC), after paragraph (2) insert—

“(2A) Paragraph (2)(a) does not give an employee a right to appeal to the tribunal in respect of a decision under Article 7(1)(n).” 5

- (5) The amendments made by this section come into force on 6 April 2014.

Limited liability partnerships

6 Members of limited liability partnerships

- (1) In section 2 of the Social Security Contributions and Benefits Act 1992 (categories of earners), after subsection (5) insert— 10

“(6) Section 4(4) of the Limited Liability Partnerships Act 2000 does not apply for the purposes of this Act.”

- (2) In section 2 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (categories of earners), after subsection (5) insert— 15

“(6) Section 4(4) of the Limited Liability Partnerships Act 2000 does not apply for the purposes of this Act.”

- (3) The amendments made by this section come into force on 6 April 2014.

Other provision

7 Office holders who receive “earnings” to be employed earners 20

- (1) In section 2(1)(a) of the Social Security Contributions and Benefits Act 1992 (definition of “employed earner”), omit “general”.

- (2) In section 2(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (definition of “employed earner”), omit “general”.

- (3) The Schedule makes provision that is consequential upon office holders in receipt of “earnings” (as opposed to “general earnings”) being employed earners. 25

- (4) The amendments made by this section and the Schedule come into force at the end of the period of 2 months beginning with the day on which this Act is passed. 30

8 Armed Forces early departure payments retrospectively disregarded

Paragraph 10A of Part 6 of Schedule 3 to the Social Security (Contributions) Regulations 2001 (S.I. 2001/1004) (payments under the Armed Forces Early Departure Payments Scheme Order 2005 (S.I. 2005/437) to be disregarded) also has effect for the tax years 2005-06 to 2012-13. 35

9 Repeal of certain redundant reliefs relating to Class 4 contributions

- (1) In Schedule 2 to the Social Security Contributions and Benefits Act 1992 (levy of Class 4 contributions with income tax) –
- (a) omit paragraph 3(3), and
 - (b) omit paragraph 9 (and the heading immediately before it). 5
- (2) In Schedule 2 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (levy of Class 4 contributions with income tax) –
- (a) omit paragraph 3(3), and
 - (b) omit paragraph 9 (and the heading immediately before it).
- (3) The amendments made by subsections (1)(a) and (2)(a) have effect for the year of assessment after the one during which this Act is passed and for subsequent years of assessment. 10

10 Procedure for making certain instruments in respect of Northern Ireland

- (1) Section 172 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Assembly etc control of regulations and orders) is amended as follows. 15
- (2) In subsection (11), for “(9)” substitute “(10)”.
- (3) In subsection (11B) –
- (a) after “contains” insert “ –
 - (a) ”, 20
 - (b) after “129” insert “or 142(7)”, and
 - (c) after “Act” insert “,
 - (b) regulations under powers conferred by any provision mentioned in that subsection which are to be made for the purpose of consolidating regulations to be revoked in the instrument, or 25
 - (c) regulations which, in so far as they are made under powers conferred by any provision mentioned in that subsection, only replace provisions of previous regulations with new provisions to the same effect.” 30
- (4) The amendments made by this section come into force at the end of the period of 2 months beginning with the day on which this Act is passed.

*General***11 Short title and extent**

- (1) This Act may be cited as the National Insurance Contributions Act 2013. 35
- (2) Subject to subsection (3), this Act extends to England and Wales, Scotland and Northern Ireland.
- (3) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.

SCHEDULE

Section 7

OFFICE HOLDERS IN RECEIPT OF “EARNINGS” TO BE EMPLOYED EARNERS: CONSEQUENTIAL PROVISION

Social Security Contributions and Benefits Act 1992 (c. 4)

- | | | |
|---|---|----|
| 1 | The Social Security Contributions and Benefits Act 1992 is amended as follows. | 5 |
| 2 | In section 7(1)(b) (definition of “secondary contributor” in relation to office holders), omit “general” in both places it appears. | |
| 3 | In section 163(1) (interpretation of Part 11 of that Act: statutory sick pay), in paragraph (a) of the definition of “employee”, for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings (within the meaning of Parts 1 to 5 above)”. | 10 |
| 4 | In section 171(1) (interpretation of Part 12 of that Act: statutory maternity pay), in paragraph (a) of the definition of “employee”, for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings (within the meaning of Parts 1 to 5 above)”. | 15 |
| 5 | In section 171ZJ(2)(a) (definition of “employee” for Part 12ZA of that Act: ordinary and additional statutory paternity pay), for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings (within the meaning of Parts 1 to 5 above)”. | 20 |
| 6 | In section 171ZS(2)(a) (definition of “employee” for Part 12ZB of that Act: statutory adoption pay), for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings (within the meaning of Parts 1 to 5 above)”. | |

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

25

- | | | |
|----|---|----|
| 7 | The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows. | |
| 8 | In section 7(1)(b) (definition of “secondary contributor” in relation to office holders), omit “general” in both places it appears. | |
| 9 | In section 159(1) (interpretation of Part 11 of that Act: statutory sick pay), in paragraph (a) of the definition of “employee”, for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings (within the meaning of Parts 1 to 5 above)”. | 30 |
| 10 | In section 167(1) (interpretation of Part 12 of that Act: statutory maternity pay), in paragraph (a) of the definition of “employee”, for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings (within the meaning of Parts 1 to 5 above)”. | 35 |
| 11 | In section 167ZJ(2)(a) (definition of “employee” for Part 12ZA of that Act: ordinary and additional statutory paternity pay), for “emoluments | |

chargeable to income tax under Schedule E” substitute “earnings (within the meaning of Parts 1 to 5 above)”.

- 12 In section 167ZS(2)(a) (definition of “employee” for Part 12ZB of that Act: statutory adoption pay), for “emoluments chargeable to income tax under Schedule E” substitute “earnings (within the meaning of Parts 1 to 5 above)”. 5

Pension Schemes Act 1993 (c. 48)

- 13 In section 181(1) of the Pension Schemes Act 1993 (general interpretation), in the definition of “employee”, for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings”.

Pension Schemes (Northern Ireland) Act 1993 (c. 49)

10

- 14 In section 176(1) of the Pension Schemes (Northern Ireland) Act 1993 (general interpretation), in the definition of “employee”, for “general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003)” substitute “earnings”.

