



Selective Employment Payments Act 1966

1966 CHAPTER 32

10 Interpretation, etc.

(1) In this Act the following expressions have the following meanings respectively, that is to say—

" agriculture " includes any of the following (whether carried out by the owner or occupier of the land concerned or by some other person on a contract basis), namely, horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes ;

" child of the family ", " contribution week ", " employed person " and " employer " have the same meanings respectively as for the purposes of the National Insurance Act 1965;

" company " includes any body corporate ;

" excepted employment " means employment in the civil service of the State (whether or not in an established capacity), employment in Her Majesty's forces or employment by such a body or in such an institution as is specified in Schedule 2 to this Act;

" forestry " includes any of the following (whether carried out by the owner or occupier of the land concerned or by some other person on a contract basis), namely—

- (a) the growing of seedlings and transplants for forestry purposes, the planting and replanting of forests and the preparation of ground therefor, the installation and repair of fences and drains required for forestry purposes, the protection of forests against fire, animal and insect pests, diseases, weeds and trespass;
- (b) except when carried out by sawmilling establishments, the thinning, felling and bringing to the roadside of timber and the preparation of forest produce in the forest and at the roadside ;
- (c) the construction and maintenance of forest roads, the maintenance and management of forests, and the gathering of uncultivated forest products, such as ferns, furze and moss ;

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" livestock " includes any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land;

" non-qualifying activities " means—

- (a) activities carried on for office purposes within the meaning of section 1(2) of the Offices, Shops and Railway Premises Act 1963, other than drawing and other than such activities falling under minimum list heading 486 or under sub-head 1 of minimum list heading 702 in the Standard Industrial Classification; or
- (b) activities by way of the carriage of goods by road in connection with a business—
 - (i) by the person carrying on that business; or
 - (ii) where that person is a company, by an associated company; or
- (c) activities by way of the sale of goods ;

" scientific research " means any activity in the fields of natural or applied science for the extension of knowledge;

" Standard Industrial Classification " means, subject to section 9(1)(c) of this Act, the consolidated edition published by Her Majesty's Stationery Office in 1963 of the publication of that name prepared by the Central Statistical Office;

" subsidiary ", in relation to any company, means a company which is a subsidiary of the first-mentioned company within the meaning of section 154 of the Companies Act 1948 ; and in Schedule 1 to this Act " wholly-owned subsidiary " means a subsidiary all the securities of which are owned by the company of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that company, or partly by that company and partly by any wholly-owned subsidiary of that company.

- (2) For the purposes of this Act, but subject to subsection (3) of this section, all premises or parts of premises occupied for the purposes of his business by one employer shall be treated as constituting the site of one establishment if, and shall not be so treated unless, access between all parts of the area comprised in those premises or parts of premises is available without leaving premises so occupied; and nothing contained in the Standard Industrial Classification with respect to the determination of an establishment for the purposes of the classification made by that publication shall have effect for the determination of an establishment for the purposes of this Act.
- (3) The Minister by whom any register of establishments is maintained under section 7(1) of this Act may if he thinks fit on the application of an employer—
 - (a) treat different parts of premises occupied for the purposes of his business by that employer as constituting the sites of different establishments; or
 - (b) treat different premises so occupied as constituting the site of a single establishment,
 notwithstanding that the requirements as to access set out in subsection (2) of this section are or, as the case may be, are not satisfied.
- (4) Where in the case of any minimum list heading in Orders III to XVI of the Standard Industrial Classification the title of the heading is not accompanied by a description of the industries or services included therein, the heading shall be construed as referring only to the manufacture of the goods specified in that title.
- (5) Where any minimum list heading in the Standard Industrial Classification contains express provision that a specified activity is excluded from or included in that heading

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if it is carried on at premises attached to premises of a specified class, and but for that express provision that activity would have fallen under that or, as the case may be, some other minimum list heading, that express provision shall be deemed to be omitted; but, save as provided by the foregoing provisions of this subsection, in determining the activities falling under any particular minimum list heading in the Standard Industrial Classification, regard shall be had to any express provision of any other such heading.

(6) For the purposes of this Act—

- (a) a person's employment shall not be treated as employment in, or carried out from, any establishment unless it is an establishment of that person's employer;
- (b) establishments shall be treated as associated if, and only if, they are establishments of the same employer or of associated companies;
- (c) two companies shall be treated as associated if, and only if, one of them is a subsidiary of the other or both are subsidiaries of a third company.