



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART I

#### CONTRIBUTIONS

##### *Class 2 contributions*

#### **11 Liability for Class 2 contributions.**

- (1) Every self-employed earner who is over the age of 16 shall be liable to pay Class 2 contributions at the rate of [<sup>F1</sup>£2·00] a week, subject to the provisions of this section and sections 12 and 19(4)(b) below.
- (2) No Class 2 contributions shall be payable by an earner in respect of any period after he attains pensionable age.
- (3) [<sup>F2</sup>The Treasury may by regulations] make provision so that an earner is liable for a weekly rate of Class 2 contributions higher than that specified in subsection (1) above where—
  - (a) in respect of any employment of his, he is treated by regulations under section 2(2)(b) above as being a self-employed earner; and
  - (b) in any period or periods he has earnings from that employment and—
    - (i) those earnings are such that (disregarding their amount) he would be liable for Class 1 contributions in respect of them if he were not so treated in respect of the employment, and
    - (ii) no Class 4 contribution is payable in respect of the earnings by virtue of regulations under section 18(1) below.
- (4) [<sup>F2</sup>The Treasury may by regulations] provide for an earner otherwise liable for Class 2 contributions in respect of employment as a self-employed earner to be excepted from

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the liability in respect of any period in which his earnings from such employment are, or are treated by regulations as being, less than [<sup>F3</sup>£4,025] a tax year.

- (5) Regulations made for the purposes of subsection (4) above shall not except a person from liability to pay contributions otherwise than on his own application, but may provide for so excepting a person with effect from any date not earlier than 13 weeks before the date on which his application was made.

#### Textual Amendments

- F1** Words in s. 11(1) substituted (6.4.2000) by S.I. 2000/755, art. 2(a)
- F2** Words in s. 11(3)(4) substituted (1.4.1999) by S.I. 1999/671, art. 4, Sch. 3 para. 13 (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), Sch. 2 (subject to arts. 3-6)
- F3** Words in s. 11(4) substituted (6.4.2002) by The Social Security (Contributions) (Re-rating and National Insurance Funds Payments) Order 2002 (S.I. 2002/830), art. 3

## 12 Late paid Class 2 contributions.

- (1) This section applies to any Class 2 contribution paid in respect of a week falling within a tax year (“the contribution year”) earlier than the tax year in which it is paid (“the payment year”).
- (2) Subject to subsections (3) to (5) below, the amount of a contribution to which this section applies shall be the amount which the earner would have had to pay if he had paid the contribution in the contribution year.
- (3) Subject to subsections (4) to (6) below, in any case where—
- the earner pays an ordinary contribution to which this section applies after the end of the tax year immediately following the contribution year; and
  - the weekly rate of ordinary contributions for the week in respect of which the contribution was payable in the contribution year differs from the weekly rate applicable at the time of payment in the payment year,
- the amount of the contribution shall be computed by reference to the highest weekly rate of ordinary contributions in the period beginning with the week in respect of which the contribution is paid and ending with the day on which it is paid.
- (4) The [<sup>F4</sup>Treasury] may by regulations direct that subsection (3) above shall have effect in relation to a higher-rate contribution to which this section applies subject to such modifications as may be prescribed.
- (5) Subject to subsection (6) below, for the purposes of proceedings in any court relating to an earner’s failure to pay Class 2 contributions, the amount of each contribution which he is to be treated as having failed to pay is the amount which he would have paid in accordance with subsections (1) to (3) above or regulations under subsection (6) below if he had paid that contribution on the date on which the proceedings commenced.
- (6) The [<sup>F4</sup>Treasury] may by regulations provide that the amount of any contribution which, apart from the regulations, would fall to be computed in accordance with subsection (3) or (5) above shall instead be computed by reference to a tax year not earlier than the contribution year but earlier—
- in a case falling within subsection (3) above, than the payment year; and
  - in a case falling within subsection (5) above, than the tax year in which the proceedings commenced.

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- (7) For the purposes of this section—
- (a) proceedings in the High Court or a county court commence when an action commences;
  - [<sup>F5</sup>(aa) civil proceedings in a magistrates’ court commence when a complaint is made;] and
  - (b) proceedings under section 108 of the Administration Act (offences relating to contributions) commence when a complaint is made.
- (8) In this section—
- “ordinary contribution” means a contribution under section 11(1) above;
  - and
  - “higher-rate contribution” means a contribution under regulations made under section 11(3) above.

#### Textual Amendments

- F4** Words in s. 12(4)(6) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 14** (with savings and transitional provisions in **Sch. 7**); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F5** S. 12(7)(aa) inserted (1.4.1999) by S.I. 1999/671, art. 24(2), **Sch. 8 para. 1** (with savings and transitional provisions in **Sch. 7**); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)

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