



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

## 1992 CHAPTER 7

### PART VI **U.K.**

#### MISCELLANEOUS PROVISIONS RELATING TO PART I TO V

##### *Special cases*

#### **115 Crown employment - Parts I to VI. **N.I.****

- (1) Subject to the provisions of this section, Parts I to V and this Part of this Act apply to persons employed by or under the Crown in like manner as if they were employed by a private person.
- (2) Subsection (1) above does not apply to persons serving as members of Her Majesty's forces in their capacity as such.
- (3) Employment as a member of Her Majesty's forces and any other prescribed employment under the Crown are not, and are not to be treated as, employed earner's employment for any of the purposes of Part V of this Act.
- (4) The references to Parts I to V of this Act in this section and sections 116, 117, 119 and 120 below do not include references to section 111 above.

#### **116 Her Majesty's forces. **U.K.****

- (1) Subject to section 115(2) and (3) above and to this section, a person who is serving as a member of Her Majesty's forces shall, while he is so serving, be treated as an employed earner, in respect of his membership of those forces, for the purposes—
  - (a) of Parts I to V and this Part of this Act; and
  - (b) of any provision of the Administration Act in its application to him as an employed earner.

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- (2) [<sup>F1</sup>The Treasury may with the concurrence of the Secretary of State] make regulations modifying Parts I to V and this Part of this Act [<sup>F2</sup>and Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999], and any [<sup>F3</sup>provisions of Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 which correspond to] provisions of Part III of the 1975 Act, in such manner as [<sup>F4</sup>the Treasury think] proper, in their application to persons who are or have been members of Her Majesty's forces; and regulations under this section may in particular provide [<sup>F5</sup>, in the case of persons who are employed earners in respect of their membership of those forces, for reducing the rate of the contributions payable in respect of their employment and for determining—
- (a) the amounts payable on account of those contributions by the Secretary of State and the time and manner of payment, and
  - (b) the deduction (if any) to be made on account of those contributions from the pay of those persons.]
- (3) For the purposes of Parts I to V and this Part of this Act, Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed by regulations [<sup>F6</sup>made by the Treasury with the concurrence of the Secretary of State] being establishments and organisations in which persons serve under the control of the Defence Council.

#### Extent Information

- E1** [S. 116](#) extends to Northern Ireland only, with the exception of [s.116\(2\)](#) which also extends to Great Britain

#### Textual Amendments

- F1** Words in [s. 116\(2\)](#) substituted (1.4.1999) by [S.I. 1999/671, art. 4, Sch. 3 para. 22\(2\)\(a\)](#) (with savings and transitional provisions in [Sch. 7](#)); [S.R. 1999/149, art. 2\(c\), Sch. 2](#) (subject to [arts. 3-6](#))
- F2** Words in [s. 116\(2\)](#) inserted (26.3.1999 for specified purposes and 1.4.1999 otherwise) by [S.I. 1999/671, art. 17, Sch. 6 para. 4](#) (with savings and transitional provisions in [Sch. 7](#)); [S.R. 1999/149, art. 2\(b\)\(c\), Schs. 1, 2](#) (subject to [arts. 3-6](#))
- F3** Words in [s. 116\(2\)](#) substituted (5.7.1999, 6.9.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by [S.I. 1998/1506 \(N.I. 10\), arts. 1\(2\), 78\(1\), Sch. 6 para. 49](#); [S.R. 1999/310, art. 2\(1\)\(b\), Sch. 1](#) (with [arts. 4, 14](#)); [S.R. 1999/371, art. 2\(b\), Sch. 1](#) (with [arts. 4, 18](#)); [S.R. 1999/428, art. 2\(b\), Sch. 1](#) (with [arts. 4, 16](#)); [S.R. 1999/472, art. 2\(1\)\(a\)\(2\), Sch. 1](#) (with [arts. 20-22](#))
- F4** Words in [s. 116\(2\)](#) substituted (1.4.1999) by [S.I. 1999/671, art. 4, Sch. 3 para. 22\(2\)\(b\)](#) (with savings and transitional provisions in [Sch. 7](#)); [S.R. 1999/149, art. 2\(c\), Sch. 2](#) (subject to [arts. 3-6](#))
- F5** Words in [s. 116\(2\)](#) substituted (7.10.1996) by [S.I. 1995/2705 \(N.I. 15\), art. 40\(1\), Sch. 2 para. 11](#); [S.R. 1996/401, art. 2](#)
- F6** Words in [s. 116\(3\)](#) substituted (1.4.1999) by [S.I. 1999/671, art. 4, Sch. 3 para. 22\(3\)](#) (with savings and transitional provisions in [Sch. 7](#)); [S.R. 1999/149, art. 2\(c\), Sch. 2](#) (subject to [arts. 3-6](#))

## 117 **Mariners, airmen, etc.** N.I.

- (1) [<sup>F7</sup>The Treasury may with the concurrence of the Department] make regulations modifying provisions of Parts I to V and this Part of this Act [<sup>F8</sup>and Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999], and any [<sup>F9</sup>provisions of Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 which correspond to] provisions of Part III of the 1975 Act, in

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such manner as [<sup>F10</sup>the Treasury think] proper, in their application to persons who are or have been, or are to be, employed on board any ship, vessel, hovercraft or aircraft.

- (2) Regulations under subsection (1) above may in particular provide—
- (a) for any such provision to apply to such persons, notwithstanding that it would not otherwise apply;
  - (b) for excepting such persons from the application of any such provision where they neither are domiciled nor have a place of residence in Northern Ireland;
  - (c) for requiring the payment of secondary Class 1 contributions in respect of such persons, whether or not they are (within the meaning of Part I of this Act) employed earners;
  - (d) for the taking of evidence, for the purposes of any claim to benefit, in a country or territory other than Northern Ireland, by a British consular official or such other person as may be prescribed;
  - (e) for enabling persons who are or have been so employed to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.

#### Textual Amendments

- F7** Words in s. 117(1) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 23(a)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F8** Words in s. 117(1) inserted (26.3.1999 for specified purposes and 1.4.1999 otherwise) by S.I. 1999/671, art. 17, **Sch. 6 para. 5** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(b)(c), **Schs. 1, 2** (subject to arts. 3-6)
- F9** Words in s. 117(1) substituted (5.7.1999, 6.9.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 50**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16); S.R. 1999/472, art. 2(1)(a)(2), **Sch. 1** (with arts. 20-22)
- F10** Words in s. 117(1) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 23(b)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)

## 118 Married women and widows. **N.I.**

[<sup>F11</sup>The Treasury may with the concurrence of the Department] make regulations modifying any of the following provisions of this Act, namely—

- (a) Part I;
- (b) Part II (except section 60); and
- (c) Parts III and IV,

in such manner as [<sup>F12</sup>the Treasury think] proper, in their application to women who are or have been married.

#### Textual Amendments

- F11** Words in s. 118 substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 24(a)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F12** Words in s. 118 substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 24(b)** (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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## 119 Persons outside Northern Ireland. **N.I.**

[<sup>F13</sup>The Treasury may with the concurrence of the Department] make regulations modifying Parts I to V of this Act [<sup>F14</sup>and Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999], and any [<sup>F15</sup>provisions of Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 which correspond to] provisions of Part III of the 1975 Act, in such manner as [<sup>F16</sup>the Treasury think] proper, in their application to persons who are or have been outside Northern Ireland at any prescribed time or in any prescribed circumstances.

### Textual Amendments

- F13** Words in s. 119 substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 25(a)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F14** Words in s. 119 inserted (26.3.1999 for specified purposes and 1.4.1999 otherwise) by S.I. 1999/671, art. 17, **Sch. 6 para. 6** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(b)(c), Schs. 1, 2 (subject to arts. 3-6)
- F15** Words in s. 119 substituted (5.7.1999, 6.9.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 51**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16); S.R. 1999/472, art. 2(1)(a)(2), **Sch. 1** (with arts. 20-22)
- F16** Words in s. 119 substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 25(b)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)

## 120 Treatment of certain marriages. **N.I.**

- (1) Regulations [<sup>F17</sup>made by the Treasury with the concurrence [<sup>F17</sup>of the Department]] may provide—
- (a) for a voidable marriage which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of the provisions to which this subsection applies as if it had been a valid marriage which was terminated by divorce at the date of annulment;
  - [<sup>F18</sup>(aa) for a voidable civil partnership which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of the provisions to which this subsection applies as if it had been a valid civil partnership which was dissolved at the date of annulment;]
  - (b) as to the circumstances in which, for the purposes of the enactments to which this section [<sup>F19</sup>applies, a marriage during the subsistence of which a party to it is at any time married to more than one person is to be treated as having, or as not having, the same consequences as any other marriage.]
- (2) Subsection (1) above applies—
- (a) to any enactment contained in Parts I to V or this Part of this Act; and
  - (b) to regulations under any such enactment.

### Textual Amendments

- F17** Words in s. 120(1) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 26** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F18** S. 120(1)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 94**; S.I. 2005/3255, art. 2(1), Sch.

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**F19** Words in s. 120(1)(b) substituted (14.2.1996) by S.I. 1995/3211 (N.I. 20), art. 1, 5, **Sch. para. 4(2)**

**Modifications etc. (not altering text)**

**C1** S. 120 applied (7.2.1994) by 1993 c. 49, s. 163(5); S.R. 1994/17, **art. 2**

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