

Status: Point in time view as at 15/09/2016.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Paragraph 6 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO CONTRIBUTIONS OF CLASSES 1, 1A, [F1 1B,] 2 [F1, 3 AND 3A]

Textual Amendments

- F1** Words in heading to Sch. 1 inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), Sch. 6 para. 58(1); S.R. 1998/312, art. 2(d), Sch. Pt. III
- F1** Words in Sch. 1 heading substituted (12.10.2015) by Pensions Act 2014 (c. 19), s. 56(1), Sch. 15 para. 21; S.I. 2015/1670, art. 2(b)

Power to combine collection of contributions with tax

- 6 (1) Regulations made [F1 by] the Inland Revenue may—
- [F2(a)] provide for Class 1, Class 1A, Class 1B or Class 2 contributions to be paid, accounted for and recovered in a similar manner to income tax in relation to which [F3 PAYE regulations] have effect;
 - (b) apply or extend with or without modification in relation to such contributions any of the provisions of the Income Tax Acts or of [F4 PAYE regulations];
 - (c) make provision for the appropriation of the payments made by any person between his liabilities in respect of income tax and contributions.
- (2) Without prejudice to the generality of sub-paragraph (1) above, the provision that may be made by virtue of paragraph (a) of that sub-paragraph includes in relation to Class 1 [F5, Class 1A or Class 1B] contributions—
- (a) provision for requiring the payment of interest on sums due in respect of Class 1 or Class 1A contributions which are not paid by the due date, for determining the date (being, in the case of Class 1 contributions, not less than 14 days after the end of the tax year in respect of which the sums are due) from which such interest is to be calculated and for enabling the repayment or remission of such interest;
 - (b) provision for requiring the payment of interest on sums due in respect of Class 1 or Class 1A contributions which fall to be repaid and for determining the date ^{F6} . . . from which such interest is to be calculated;
 - (c) provision for, or in connection with, the imposition and recovery of penalties in relation to any returns required to be made which relate to Class 1 or Class 1A contributions, but subject to sub-paragraph (7) and paragraph 7 below;
- and any reference to contributions or income tax in paragraph (b) or (c) of sub-paragraph (1) above shall be construed as including a reference to any interest or penalty in respect of contributions or income tax, as the case may be.
- (3) The rate of interest applicable for any purpose of this paragraph shall be—

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- (a) the rate from time to time prescribed for that purpose under section 178 of the ^{M1}Finance Act 1989 for the purpose of any enactment (whether or not extending to Northern Ireland) if prescribed by regulations made by virtue of this paragraph; or
- (b) such other rate as may be prescribed by such regulations.

[^{F7}(4) Where—

- (a) a decision relating to contributions falls to be made under or by virtue of Article 7, 9 or 10 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; and
- (b) the decision will affect a person’s liability for, or the amount of, any interest due in respect of those contributions, regulations under sub-paragraph (1) above shall not require any such interest to be paid until the decision has been made.]

[^{F8}(4A) Regulations under [^{F9}sub-paragraph (1) above] shall not require the payment of interest on a sum due in respect of a Class 1B contribution if a relevant tax appeal has been brought but not finally determined; and “a relevant tax appeal” means an appeal against a determination as to the amount of income tax in respect of which the person liable to pay the Class 1B contribution is accountable in accordance with the relevant PAYE settlement agreement.]

[^{F10}(4B) Interest required to be paid, by virtue of sub-paragraph (2)(a) or (b) above, by regulations under sub-paragraph (1) above shall be paid without any deduction of income tax and shall not be taken into account in computing any income, profits or losses for any tax purposes.]

[^{F11}(4C) Interest payable under section 101 of the Finance Act 2009 (late payment interest on sums due to HMRC) on sums due in respect of Class 1 contributions is not to be taken into account in computing any income, profits or losses for any tax purposes.]

(5) [^{F12}The Secretary of State may by regulations made with the concurrence of the Inland Revenue] make such provision as [^{F12}he] considers expedient in consequence of any provision made by or under [^{F13}section 4A, 155A] or 163 above.

(6) [^{F14}Provision made in regulations under sub-paragraph (5) above may] in particular require the inclusion—

- (a) in returns, certificates and other documents; or
- (b) in any other form of record;

which the regulations require to be kept or produced or to which those regulations otherwise apply, of such particulars relating [^{F15}to relevant payments or benefits within the meaning of section 4A above or (as the case may be)] to statutory sick pay, statutory maternity pay or deductions or payments made by virtue of section 163(1) above as may be prescribed by those regulations.

(7) Section 98 of the ^{M2}Taxes Management Act 1970 shall apply in relation to regulations made [^{F16}under sub-paragraph (1) or (5)] as it applies in relation to [^{F17}PAYE regulations].

^{F18}(8)

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Textual Amendments

- F1** Word in Sch. 1 para. 6(1) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 34(2)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F2** Sch. 1 para. 6(1)(a) substituted (9.9.1998 for the purpose only of making regulations or orders and 6.4.1999 otherwise) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 58(8)**; S.R. 1998/312, art. 2(b), **Sch. Pt. II**
- F3** Words in Sch. 1 para. 6(1)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1)**, s. 723, **Sch. 6 para. 204(a)** (with Sch. 7)
- F4** Words in Sch. 1 para. 6(1)(b) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1)**, s. 723, **Sch. 6 para. 204(b)** (with Sch. 7)
- F5** Words in Sch. 1 para. 6(2) substituted (9.9.1998 for the purpose only of making regulations or orders and 6.4.1999 otherwise) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 58(9)(a)**; S.R. 1998/312, art. 2(b), **Sch. Pt. II**
- F6** Words in Sch. 1 para. 6(2)(b) ceased to have effect (9.9.1998 for the purpose only of making regulations or orders and 6.4.1999 otherwise) and repealed (6.4.1999) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1)(2), Sch. 6 para. 58(9)(b), **Sch. 7**; S.R. 1998/312, art. 2(b)(d), Sch. Pts. II, III
- F7** Sch. 1 para. 6(4) substituted (26.3.1999 for specified purposes and 6.4.1999 otherwise) by S.I. 1999/671, art. 17, **Sch. 6 para. 7** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(b)(d), Schs. 1, 3 (subject to arts. 3-6)
- F8** Sch. 1 para. 6(4A) inserted (9.9.1998 for the purpose only of making regulations or orders and 6.4.1999 otherwise) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 58(11)**; S.R. 1998/312, art. 2(b), **Sch. Pt. II**
- F9** Words in Sch. 1 para. 6(4A) substituted (1.4.1999) by S.I. 1999/671, art. 24(2), **Sch. 8 para. 3** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F10** **Sch. 1 para. 6(4B)** inserted (with effect in accordance with s. 147(5) of the amending Act) by **Finance Act 2003 (c. 14)**, s. 147(2)
- F11** **Sch. 1 para. 6(4C)** inserted (with effect in relation to payments in respect of Class 1 national insurance contributions and construction industry scheme payments made on or after 20.5.2014 which are made for the tax year 2014-15 or for a subsequent tax year) by **The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments) (Consequential Amendments) Order 2014 (S.I. 2014/1283)**, art. 1(1)(2), **Sch. para. 3**
- F12** Words in Sch. 1 para. 6(5) substituted (24.3.1999 for specified purposes and 1.4.1999 otherwise) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 20(a)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F13** Words in Sch. 1 para. 6(5) substituted (6.4.2000) by 1999 c. 30, s. 84(1), **Sch. 12 para. 86(6)(a)**; S.I. 1999/3420, art. 4(b)
- F14** Words in Sch. 1 para. 6(6) substituted (24.3.1999 for specified purposes and 1.4.1999 otherwise) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 20(b)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F15** Words in Sch. 1 para. 6(6) inserted (6.4.2000) by 1999 c. 30, s. 84(1), **Sch. 12 para. 86(6)(b)**; S.I. 1999/3420, art. 4(b)
- F16** Words in Sch. 1 para. 6(7) substituted (24.3.1999 for specified purposes and 1.4.1999 otherwise) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 20(c)** (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6)
- F17** Words in Sch. 1 para. 6(7) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1)**, s. 723, **Sch. 6 para. 204(c)** (with Sch. 7)
- F18** Sch. 1 para. 6(8) repealed (1.4.1999) by S.I. 1999/671, arts. 4, 24(3), Sch. 3 para. 34(2), **Sch. 9 Pt. I** (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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Modifications etc. (not altering text)

C1 Sch. 1 para. 6(3)(a) applied (19.4.1993) by S.R. 1979/186, **regs. 28A(1), 28B(1)** (as inserted (19.4.1993) by S.R. 1993/130, **reg. 2**)

Marginal Citations

M1 1989 c. 26.

M2 1970 c. 9.

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