



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

## 1992 CHAPTER 7

### PART I

#### CONTRIBUTIONS

##### *Class 1A contributions*

#### **[<sup>F1</sup>10 Class 1A contributions: benefits in kind etc.**

(1) Where—

- [<sup>F2</sup>(a) for any tax year an earner is chargeable to income tax under ITEPA 2003 on an amount of general earnings received by him from any employment (“the relevant employment”),]
- [<sup>F3</sup>(b) the relevant employment is both—
  - (i) employed earner’s employment, and
  - (ii) an employment, other than an excluded employment, for the purposes of the benefits code (see Chapter 2 of Part 3 of ITEPA 2003),]
- (c) the whole or a part of the [<sup>F4</sup>general earnings] falls, for the purposes of Class 1 contributions, to be left out of account in the computation of the earnings paid to or for the benefit of the earner,

a Class 1A contribution shall be payable for that tax year, in accordance with this section, in respect of that earner and so much of the [<sup>F5</sup>general earnings] as falls to be so left out of account.

(2) Subject to section 10ZA below, a Class 1A contribution for any tax year shall be payable by—

- (a) the person who is liable to pay the secondary Class 1 contribution relating to the last (or only) relevant payment of earnings in that tax year in relation to which there is a liability to pay such a Class 1 contribution; or

*Status: Point in time view as at 05/04/2007. This version of this provision has been superseded.*

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- (b) if paragraph (a) above does not apply, the person who, if the [<sup>F6</sup>general earnings] in respect of which the Class 1A contribution is payable were earnings in respect of which Class 1 contributions would be payable, would be liable to pay the secondary Class 1 contribution.
- (3) In subsection (2) above “relevant payment of earnings” means a payment which for the purposes of Class 1 contributions is a payment of earnings made to or for the benefit of the earner in respect of the relevant employment.
- (4) The amount of the Class 1A contribution in respect of any [<sup>F7</sup>general earnings] shall be the Class 1A percentage of so much of [<sup>F8</sup>them] as falls to be left out of account as mentioned in subsection (1)(c) above.
- (5) In subsection (4) above “the Class 1A percentage” means a [<sup>F9</sup>secondary percentage] for the tax year in question.
- (6) No Class 1A contribution shall be payable for any tax year in respect of so much of any [<sup>F10</sup>general earnings] as is taken for the purposes of the making of Class 1B contributions for that year to be included in a PAYE settlement agreement.
- [<sup>F11</sup>(7) In calculating for the purposes of this section the amount of general earnings received by an earner from an employment, a deduction under any of the excluded provisions is to be disregarded.

This subsection does not apply in relation to a deduction if subsection (7A) applies in relation to it.

(7A) Where—

- (a) a deduction in respect of a matter is allowed under an excluded provision, and
- (b) the amount deductible is at least equal to the whole of any corresponding amount which would (but for this section) fall by reference to that matter to be included in the general earnings mentioned in subsection (7),

the whole of the corresponding amount shall be treated as not included.

(7B) For the purposes of subsections (7) and (7A) “excluded provision” means—

- (a) any provision of Chapter 2 of Part 5 of ITEPA 2003 (deductions for employee’s expenses) other than section 352 (limited deduction for agency fees paid by entertainers), <sup>F12</sup>...
- [<sup>F13</sup>(aa) any of sections 363 to 365 of ITEPA 2003 (certain deductions from benefits code earnings), or]
- (b) any provision of Chapter 5 of Part 5 of ITEPA 2003 (deductions for earnings representing benefits or reimbursed expenses).]

(8) The Treasury may by regulations—

- [<sup>F14</sup>(a) modify the effect of subsections (7) and (7A) above by amending subsection (7B) so as to include any enactment contained in the Income Tax Acts within the meaning of “excluded provision”; or]
- (b) make such amendments of [<sup>F15</sup>subsections (7) to (7B)] above as appear to them to be necessary or expedient in consequence of any alteration of the provisions of the Income Tax Acts relating to the charge to tax [<sup>F16</sup>on employment income].

(9) The Treasury may by regulations provide—

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- (a) for Class 1A contributions not to be payable, in prescribed circumstances, by prescribed persons or in respect of prescribed persons or [<sup>F17</sup>general earnings];
- (b) for reducing Class 1A contributions in prescribed circumstances.

<sup>F18</sup>(10) . . . . .]

#### Textual Amendments

- F1** S. 10 substituted (28.7.2000) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 78\(2\)](#)
- F2** S. 10(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. 195\(2\)](#) (with Sch. 7)
- F3** S. 10(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. 195\(3\)](#) (with Sch. 7)
- F4** Words in s. 10(1)(c) 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. 195\(4\)](#) (with Sch. 7)
- F5** Words in s. 10(1) 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. 195\(5\)](#) (with Sch. 7)
- F6** Words in s. 10(2)(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. 195\(6\)](#) (with Sch. 7)
- F7** Words in s. 10(4) 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. 195\(7\)\(a\)](#) (with Sch. 7)
- F8** Word in s. 10(4) 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. 195\(7\)\(b\)](#) (with Sch. 7)
- F9** Words in s. 10(5) substituted (with effect for 2003-04 and subsequent tax years) by [National Insurance Contributions Act 2002 \(c. 19\), ss. 6, 8\(2\), Sch. 1 para. 21](#)
- F10** Words in s. 10(6) 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. 195\(8\)](#) (with Sch. 7)
- F11** S. 10(7)-(7B) substituted for s. 10(7) (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. 195\(9\)](#) (with Sch. 7)
- F12** Word in s. 10(7B) omitted (with effect in relation to the tax year beginning with 6.4.2006 and subsequent tax years) by virtue of [The Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(Modification of Section 10\(7B\)\) Regulations 2007 \(S.I. 2007/795\)](#), regs. 1, 2(a)
- F13** S. 10(7B)(aa) inserted (with effect in relation to the tax year beginning with 6.4.2006 and subsequent tax years) by [The Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(Modification of Section 10\(7B\)\) Regulations 2007 \(S.I. 2007/795\)](#), regs. 1, 2(b)
- F14** S. 10(8)(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. 195\(10\)](#) (with Sch. 7)
- F15** Words in s. 10(8)(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. 195\(11\)\(a\)](#) (with Sch. 7)
- F16** Words in s. 10(8)(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. 195\(11\)\(b\)](#) (with Sch. 7)
- F17** Words in s. 10(9)(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. 195\(12\)](#) (with Sch. 7)
- F18** S. 10(10) repealed (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. 195\(13\), Sch. 8 Pt. 1](#) (with Sch. 7)

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