
STATUTORY INSTRUMENTS

2000 No. 2343

SOCIAL SECURITY

**The Social Security (Contributions)
(Amendment No. 9) Regulations 2000**

Made - - - - 31st August 2000
Laid before Parliament 4th September 2000
Coming into force - - 25th September 2000

The Treasury, in exercise of the powers conferred upon them by sections 11(4) and (5) and 175(3), (4) and (5) of the Social Security Contributions and Benefits Act 1992(1), and paragraph 8(1)(h), (m) and (q) and (1A) of Schedule 1(2) to that Act, and the Commissioners of Inland Revenue, in exercise of the powers conferred upon them by sections 122(1) and 175(3), (4) and (5) of that Act and paragraph 3(1) and (6) of that Schedule(3), and of all other powers respectively enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Contributions) (Amendment No. 9) Regulations 2000 and shall come into force on 25th September 2000.

Amendment of the Social Security (Contributions) Regulations 1979

2. Amend the Social Security (Contributions) Regulations 1979(4) in accordance with the following provisions of these Regulations.

3. In regulation 1(2)(5) after the definition of “earnings-related contributions” insert—

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- (1) 1992 c. 4. The scope of section 11 and the provisions of Schedule 1 exercised by the Treasury and the Commissioners of Inland Revenue in making these Regulations is extended by section 133(1) of the Finance Act 1999 (c. 16) insofar as they relate to the electronic delivery of information. Section 11(4) was amended by paragraph 12 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) (“the Transfer Act”) and by article 2 of S.I. 2000/755. Section 122(1) is cited because of the meaning ascribed to “prescribe”.
- (2) Paragraph 8(1A) was inserted by paragraph 39(3) of Schedule 3 to the Transfer Act.
- (3) Paragraph 3(1) of Schedule 1 was amended by paragraph 77(5) of Schedule 7 to the Social Security Act 1998 (c. 14) and paragraph 3(6) was added by paragraph 33 of Schedule 3 to the Transfer Act.
- (4) S.I. 1979/591: relevant amending instruments are S.I. 1984/77, 1988/992, 1992/97, 1992/1440, 1993/260, 1996/2407, 1999/567 and 568.
- (5) There are amendments to regulation 1(2) that are not relevant for the purposes of this instrument.

““electronic communications” includes any communications by means of a telecommunications system (within the meaning of the Telecommunications Act 1984(6)), and a means of electronic communications, or a form of such communication, is approved if it is for the time being approved by the Inland Revenue;”.

4.—(1) Amend regulation 24 (application for certificates of exception etc.)(7) in accordance with the following provisions of this regulation.

(2) In paragraph (1) for “the Secretary of State, who, if he grants” substitute “the Inland Revenue, who, +if they grant”.

(3) In paragraph (2) for “the Secretary of State” substitute “the Inland Revenue”.

(4) In paragraph (3) for “the Secretary of State” substitute “the Inland Revenue” (twice).

(5) In paragraph (5) for “the Secretary of State” substitute “the Inland Revenue” (three times).

(6) For paragraph (6) substitute—

“(6) The holder of a certificate of exception—

(a) shall produce the certificate for inspection when called upon to do so by an officer of the Inland Revenue; and

(b) shall, if he desires that the certificate be cancelled, give notice to the Inland Revenue either in writing or in such form and by such means of electronic communications as are approved, and the certificate shall then cease to have effect from such date as the Inland Revenue determine.”.

5.—(1) Amend regulation 32 (return of contributions) in accordance with the following provisions of this regulation.

(2) In paragraph (1)(8)—

(a) for “by the Secretary of State”, substitute “by the Inland Revenue”; and

(b) for “in writing to the Secretary of State” substitute “to the Inland Revenue either in writing or in such form and by such means of electronic communications as are approved”.

(3) In paragraph (2)(9) for “the said regulation 17 and the Secretary of State has” substitute “regulation 17 of these Regulations and the Inland Revenue have”.

(4) In paragraph (2A)(10) for “the said regulation 17 and the Secretary of State has” substitute “regulation 17 of these Regulations and the Inland Revenue have”.

(5) In paragraph (5)—

(a) for “the Secretary of State”, in the first and third places where it occurs, substitute “the Inland Revenue”; and

(b) for “the Secretary of State is” substitute “the Inland Revenue are”.

6.—(1) Amend regulation 33 (return of Class 1 contributions paid at the non-contracted-out rate instead of the contracted-out rate) in accordance with the following provisions of this regulation.

(2) In paragraph (1) for “the Secretary of State” substitute “the Inland Revenue”.

(3) In paragraph (2)—

(6) 1984 c. 12.

(7) The functions of the Secretary of State under the regulations amended by this instrument were transferred to the Inland Revenue by Schedule 2 to the Transfer Act.

(8) Paragraph (1) was amended: the relevant amendment is that made by regulation 11 of S.I. 1984/77.

(9) Paragraph (2) was amended by regulation 3(a) of S.I. 1988/992, regulation 4(2)(a) of S.I. 1996/2407 and regulation 11(3) and (4) of S.I. 1999/568.

(10) Paragraph (2A) was inserted by regulation 3(b) of S.I. 1988/992 and amended by regulation 4(3) of S.I. 1996/2407.

- (a) for “the last preceding paragraph” substitute “paragraph (1) of this regulation”;
 - (b) for “or with his consent in writing,” substitute
“or with the earner’s consent given—
 - (a) in writing; or
 - (b) in such form, and by such means of electronic communications, as are approved.”.
 - (4) In paragraph (3)—
 - (a) for “the Secretary of State”, in the first and third places where it occurs, substitute “the Inland Revenue”; and
 - (b) for “the Secretary of State is” substitute “the Inland Revenue are”.
- 7.—(1) Amend regulation 34 (return of precluded Class 3 contributions) as follows.
- (2) In paragraph (1) for “the Secretary of State” substitute “the Inland Revenue”.
 - (3) For paragraph (2) substitute—
 - “(2) A contributor wishing to apply for the return of a contribution falling within paragraph (1) of this regulation shall make an application to the Inland Revenue either—
 - (a) in writing; or
 - (b) in such form, and by such means of electronic communications, as are approved.”.
8. In regulation 53A (notification of commencement or cessation of payment of Class 2 or Class 3 contributions)(11) for paragraph (1) substitute—
 - “(1) A person to whom paragraph (2) of this regulation applies shall immediately notify the Inland Revenue in writing or by such means of electronic communications as is approved.”.
9. For regulation 53B (notification of change of address of contributor), and the heading preceding it, substitute—

“Notification of change of address

53B. A person liable to pay Class 2 contributions, or paying Class 2 (although not liable to do so) or Class 3 contributions, shall immediately notify the Inland Revenue of any change of his address in writing or by such means of electronic communications as is approved.”.

10. In the heading of regulation 54A (arrangements approved by the Secretary of State for method of, and time for, payment of Class 2 and Class 3 contributions)(12) for “the Secretary of State” substitute “the Inland Revenue”.

11. For paragraph (1) of regulation 54A substitute—

“(1) The Inland Revenue may from time to time approve arrangements under which contributions are paid at times or in a manner different from those prescribed by regulation 54 of these Regulations (method and timing of payment of Class 2 and Class 3 contributions).

This is subject to paragraphs (1A) to (1C) of this regulation.

(1A) When granting approval under paragraph (1) the Inland Revenue may impose such conditions as they see fit.

(11) Regulations 53A and 53B were inserted by regulation 4 of S.I. 1993/260.

(12) Regulation 54A was substituted by regulation 5 of S.I. 1993/260.

(1B) The Inland Revenue may, in particular, grant approval under paragraph (1) if, as respects any year in which a person is both an employed earner and a self-employed earner, the condition in paragraph (1C) is satisfied.

(1C) The condition is that the Inland Revenue are satisfied that the total amount of primary Class 1 contributions likely to be paid by or in respect of that person will exceed the maximum amount prescribed in regulation 17 of these Regulations for that year.”.

12.—(1) Amend regulation 78 (return of special Class 4 contributions paid in error) in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

- (a) for “the Secretary of State to that person” substitute “the Inland Revenue to that person”; and
- (b) for “in writing to the Secretary of State” substitute “to the Inland Revenue in writing or in such other form and manner as the Inland Revenue may allow”.

(3) In paragraph (3)—

- (a) omit “in such form and in such manner as the Secretary of State may from time to time determine, and”;
- (b) for “is satisfied” substitute “are satisfied”; and
- (c) for “the Secretary of State” (in the other two places where it occurs) substitute “the Inland Revenue”.

31st August 2000

Greg Pope
Jim Dowd
Two of the Lords Commissioners of Her
Majesty’s Treasury

31st August 2000

Ann Chant
Dave Hartnett
Two of the Commissioners of Inland Revenue

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations permit a variety of notifications and applications, previously required to be made in writing under the Social Security (Contributions) Regulations 1979 (S.I.1979/591) (referred to in this Note as “the principal Regulations”), to be made alternatively by means of such electronic communications as are authorised by the Inland Revenue. Such notifications and applications may still be made in writing.

Regulation 1 provides for the citation and commencement of this instrument.

Regulation 2 introduces the amendments to the principal Regulations effected by the following regulations.

Regulation 3 amends regulation 1(2) of the principal Regulations by inserting a definition of “electronic communications”.

Regulation 4 amends regulation 24 of the principal Regulations to permit the making of an application for the cancellation of a certificate in the case of a person entitled to the benefit of the small earnings exception in any manner permitted by the Inland Revenue. Regulation 4 also contains, as do regulations 5 to 12, provisions consequent on the transfer of functions under the principal Regulations from the Secretary of State to the Inland Revenue by virtue of Schedule 2 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

Regulations 5, 6, 7 and 12 make amendments respectively to regulations 32, 33, 34 and 78 of the principal Regulations. The amendments permit applications for the return of contributions to be made by electronic means and, in the case of a request for the return of special Class 4 contributions, in such other manner as is approved by the Inland Revenue. In addition, the amendment made by regulation 6(3) to regulation 33 of the principal Regulations enables an earner to give consent by electronic means to the return of primary Class 1 contributions to the secondary contributor.

Regulations 8 and 9 amend respectively regulations 53A and 53B of the principal Regulations. The amendments permit the commencement or cessation of payment of Class 2 or Class 3 contributions and changes of address to be notified electronically.

Regulation 11 replaces the existing paragraph (1) of regulation 54A of the principal Regulations with four new paragraphs which, in addition to substituting references to the Inland Revenue for those to the Secretary of State, are intended to make the provisions easier to understand.