

THE OFFICIAL GAZETTE 6TH MARCH, 1971
LEGAL SUPPLEMENT — B

No. 1 of 1971

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969

**THE NATIONAL INSURANCE AND SOCIAL SECURITY
 (SELF-EMPLOYED PERSONS) REGULATIONS, 1971.**

In exercise of the powers conferred upon me by Section 51 of the National Insurance and Social Security Act, 1969 and by virtue and in exercise of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I — PRELIMINARY

1. These Regulations may be cited as the National Insurance and Social Security (Self-employed Persons) Regulations, 1971, and shall come into operation on such day as the Minister may appoint by notice published in the Gazette. Citation and
comment.

2. In these Regulations, unless the context otherwise requires — Interpretation.
 “appointed day” means the day appointed under regulation 1;
 “chargeable income” has the same meaning as in the Income Tax Ordinance and includes chargeable income as both an employed and a self-employed person; Cap. 299.

“income” means the self-employed person’s income from the sources specified in paragraphs (a) and (b) of section 5 of the Income Tax Ordinance (excluding the income of a spouse) before making the deductions allowed by sections 16, 17, 18, 19, 19B and 20 of that Ordinance, and includes income as both an employed and a self-employed person; Cap. 299.

“income group” has the same meaning as in the National Insurance and Social Security (Collection of Contributions — Self-employed Persons) Regulations, 1971; No. of 1971.

“relevant income” means the amount set out in the last column of the Schedule in respect of the income group in which the insured person has paid or has been credited with or has paid and has been credited with, the greatest number of contributions other than the special transitional credits under regulation 19 of the National Insurance and Social Security (Benefit) Regulations, 1969; No. 33 of
1969.

“self-employed person” includes a person treated as self-employed under the National Insurance and Social Security (Classification) Regulations, 1969. No. 10 of
1969.

PART II — MODIFICATION OF THE ACT

3. In its application to self-employed persons section 11 of the Act shall be modified to provide that from the appointed day all persons who on or after that day are — Modification
of section 11
of the Act.

sixteen years of age or over and under sixty-five years of age; and

- (b) gainfully occupied otherwise than in insurable employment,

shall become insured persons under the Act in respect of all benefits (other than industrial benefit) and shall remain so insured for life:

Provided that —

- (a) if at any time a self-employed person becomes an employed person, the provisions of the Act relating to industrial benefit, shall apply to him so long as he remains an employed person; and
- (b) for a person who under regulation 5 of the National Insurance and Social Security (Classification) Regulations, 1969, is treated as other than an employed person, paragraph (5) of that regulation and the provisions to regulations 3, 9 (2) and 12 (1) of the National Insurance and Social Security (Industrial Benefit) Regulations, 1969 shall continue to apply.

No. 18 of
1969.

No. 34 of
1969.

Sections 19
(2), 22, 23, 24,
26 and 27
not to apply.

4. Sections 19 (2), 22, 23, 24, 26 and 27 of the Act shall not apply to self-employed persons.

PART III — APPLICATION OF REGULATIONS

No. 22 of
1969.

No. 34 of
1969.

No. 35 of
1969.

5. The National Insurance and Social Security (Collection of Contributions) Regulations, 1969, the National Insurance and Social Security (Industrial Benefit) Regulations, 1969 and the National Insurance and Social Security (Industrial Benefit Medical Care) Regulations, 1969 shall not apply to self-employed persons.

6. The following Regulations shall apply to self-employed persons —

No. 18 of
1969.

- (a) the National Insurance and Social Security (Classification) Regulations, 1969;

No. 19 of
1969.

- (b) the National Insurance and Social Security (Insurance Stamps) Regulations, 1969;

No. 21 of
1969.

- (c) the National Insurance and Social Security (Contributions) Regulations, 1969;

No. 26 of
1969.

- (d) the National Insurance and Social Security (Determination of Claims and Questions) Regulations, 1969;

No. 27 of
1969.

- (e) the National Insurance and Social Security (Claims and Payments) Regulations, 1969; and

No. 36 of
1969.

- (f) the National Insurance and Social Security (Medical Certification) Regulations, 1969

with the following modifications —

- (i) every reference in those Regulations to “wage group” shall be construed as a reference to “income group”; and
- (ii) every reference to “employed person’s contribution” shall be construed as a reference to “self-employed person’s contribution.”

7. In the National Insurance and Social Security (Persons ^{No. 20 of 1969.} Abroad and Voluntary Contributors) Regulations, 1969, references to “wage group” shall in relation to self-employed persons be construed as references to “income group” and references to “employment” shall include references to “self-employment”, but regulations 3, 4, and 5 and the proviso to paragraph (1) of regulation 6 shall not apply to self-employed persons.

8. The National Insurance and Social Security (Benefit) Regu- ^{No. 33 of 1969.} lations, 1969 shall have effect in relation to self-employed persons, subject to the following modifications —

- (a) every reference to “wage group” shall be construed as a reference to “income group” and in the case of an insured person who has been both a self-employed and an employed person to either “wage group” or “income group” or both as the context may require;
- (b) every reference to “relevant wage” shall be construed as a reference to “relevant income” and in the case of an insured person who has been both a self-employed and an employed person to either “relevant wage” or “relevant income” or both as the context may require;
- (c) the following paragraph shall be added to the proviso to regulation 19 —
 - “(d) in the case of a self-employed person becoming an insured person on the appointed day, and who was registered as an employed person prior to that date and awarded credits under this regulation, shall be granted only in substitution for any age credits granted before that date if, having regard to all considerations, the credits as a self-employed person are more favourable in the allowance of old age benefit, invalidity benefit or survivor’s benefit.”;
- (d) in its application to self-employed persons, regulation 23 shall have effect —
 - (i) as if after the words “insurable employment” in sub-paragraph (a) there were added the words “or self-employment”; and
 - (ii) as if after the words “insurable employment” in sub-paragraph (c) there were added the words

“or self-employment or partly in one and partly in the other”;

- (e) in its application to self-employed persons, regulation 28, shall have effect as if after the words “insurable employment” in sub-paragraph (b), there were added the words “or self-employment or partly in one and partly in the other”;
- (f) regulation 38, shall not apply to self-employed persons;
- (g) in its application to self-employed persons, the Schedule hereto shall be substituted for the Schedule to those Regulations.

SCHEDULE

Group	Weekly income	Corresponding income for a year of assessment	Relevant income
1	2	3	4
I All self-employed insured persons	Under \$20	Up to \$1,039.99	\$15
II do.	\$20—\$29.99	\$1,040—\$1,559.99	\$25
III do.	\$30—\$39.99	\$1,560—\$2,079.99	\$35
IV do.	\$40—\$49.99	\$2,080—\$2,599.99	\$45
V do.	\$50 and upwards	\$2,600 and upwards	\$55

Made this 3rd day of March, 1971.

W. CARRINGTON,
Minister of Labour and Social Security.

N.I. 2/3/14

Feb. 71

* No. 6 of 1969.