

2010 No.

SOCIAL SECURITY

**The Social Security (Contributions) (Amendment No...)
Regulations 2010**

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - *6th April 2010*

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by paragraph 6(1)(b) of Schedule 1 to the Social Security Contributions and Benefits Act 1992(a) and paragraph 6(1)(b) of Schedule 1 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and now exercisable by them(c).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Contributions) (Amendment No. X) Regulations 2010.

(2) These Regulations shall come into force on 6th April 2010.

Amendment of the Social Security (Contributions) Regulations 2001

2.—(1) The Social Security (Contributions) Regulations 2001(d) are amended as follows.

(2) After regulation 67 insert—

“Penalty for Failure to Make Payments on Time: Class 1 contributions

67A. Schedule 56 to the Finance Act 2009(e) (“Schedule 56 FA 2009”) shall apply in relation to the late payment of Class 1 contributions, as if—

(a) the Class 1 contributions were an amount of tax falling within item 2 of the Table in paragraph 1 of Schedule 56 FA 2009 (“the Table),

(a) c. 4. Paragraph 6 of Schedule 1 was amended by paragraph 77 of Schedule 7 to the Social Security Act 1998 (c. 14), paragraph 17 of Schedule 1, paragraph 35 of Schedule 3, paragraph 7 of Schedule 7 and paragraph 5 of Schedule 9 to the Social Security (Transfer of Functions, etc) Act 1999 (c. 2), paragraph 78 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c.30) and paragraph 185 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1).
(b) c.7. Regulation 156(1) of S.I. 2001/1004 provides that except where otherwise provided, the provisions of S.I. 2001/1004 shall apply to Northern Ireland as they apply to Great Britain.
(c) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c.11). Section 50(1) of that Act provides that a reference to the Commissioners of Inland Revenue, however expressed, shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.
(d) S.I. 2001/1004.
(e) c. 10.

- (b) references to the PAYE Regulations were references to these Regulations, and
- (c) references to “an assessment or determination” in item 24 of the Table were references to a decision made under section 8(1)(c) of the Social Security Contributions (Transfer of Functions, etc) Act 1999(a).”.

Penalty for Failure to Make Payments on Time: Class 1A and Class 1B contributions

67B. Schedule 56 to the Finance Act 2009 (“Schedule 56 FA 2009”) shall apply in relation to the late payment of Class 1A and Class 1B contributions, as if—

- (a) the Class 1A and Class 1B contributions were an amount of tax falling within item 3 of the table in paragraph 1 of Schedule 56 FA 2009, and
- (b) the reference to section 254(5) of the Finance Act 2004(b) was a reference to these Regulations.

Consequential provisions and savings

3.—(1) Regulations 90K (default surcharge) and 90L (surcharge notice and appeal) are omitted subject to the savings set out in paragraph (2).

(2) The regulations referred to in paragraphs (1) and (2) shall continue to have effect in relation to surcharges arising in respect of late payments of contributions where the contributions were payable in respect of a tax period ending on or before 5th April 2010.

(3) For the purposes of this regulation, “tax period” has the meaning set out in paragraph 1(2) of Schedule 4 to the Social Security (Contributions) Regulations 2001

| | |
|------|---|
| | <i>Name</i> |
| | <i>Name</i> |
| Date | Two of the Commissioner for Her Majesty’s Revenue and Customs |

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation [] inserts regulations 67A and 67B which apply the penalty regime contained in Schedule 56 of the Finance Act 2009 to late payments of Class 1A and 1B contributions with certain modifications.

Regulation [] omits regulations 90K and 90L which deal with default surcharges and surcharge notices and appeals. The regulations will continue to have effect in relation to surcharges relating to contributions that were payable on or before 5th April 2010.

(a) 1999 c. 2.
(b) c.12.