



Jersey

SOCIAL SECURITY (CLASSIFICATION) (JERSEY) ORDER 1974

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SOCIAL SECURITY (CLASSIFICATION) (JERSEY) ORDER 1974

Contents

Article

1	Interpretation	5
2	Classification of insured persons	5
3	Persons to be treated as employers: Schedule 2	6
3A	Persons to be treated as employers: employment by 2 or more employers.	6
4	Citation	6

SCHEDULE 1 **7**

PART 1		7
PART 2		10

SCHEDULE 2 **14**

EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS		14
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ENDNOTES **17**

Table of Legislation History		17
Table of Renumbered Provisions		17
Table of Endnote References		18



Jersey

SOCIAL SECURITY (CLASSIFICATION) (JERSEY) ORDER 1974¹

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 3 and 6 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“company” has the meaning assigned to it by Article 1 of the [Companies \(Jersey\) Law 1991](#);

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental disorder, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

“Law” means the [Social Security \(Jersey\) Law 1974](#);

“nurse” means a nurse for the sick or a midwife supplied from an agency for the supply of nurses and midwives;

“shares” means shares in the issued share capital of a company.²

2 Classification of insured persons

For the purposes of the Law, the classification of insured persons shall be modified in manner following, that is to say –

- (1) Subject to the provisions of paragraph (2), every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part 1 of Schedule 1, be treated as a Class 1 insured person in so far as he or she is gainfully occupied in such employment and is not a person specified in the corresponding paragraph of column (B) of that Part;

- (2) Every insured person shall, in respect of any employment specified in any paragraph of column (A) of Part 2 of the said Schedule 1, be treated as a Class 2 insured person in so far as the person is not a person specified in the corresponding paragraph of column (B) of that Part.

3 Persons to be treated as employers: Schedule 2³

In relation to any employment specified in column (A) of Schedule 2, the person specified opposite thereto in column (B) of that Schedule shall for the purposes of the Law be treated as the employer of the employed person concerned.

3A Persons to be treated as employers: employment by 2 or more employers⁴

- (1) This paragraph applies, in relation to a contribution month, where –
- (a) a person (“P”) is employed by 2 or more employers who carry on business in association;
 - (b) the amount of P’s earnings, in respect of each of those employments, does not exceed the Class 1 minimum earnings threshold (but the total amount of P’s earnings from those employments does exceed the threshold); and
 - (c) the employers agree that the person employed is to be treated as being employed by only one of them (the “nominated employer”).
- (2) For the purposes of the Law –
- (a) the nominated employer is to be treated as P’s employer; and
 - (b) P’s earnings from all of the employments mentioned in paragraph (1) are treated as earnings paid in respect of the employment with the nominated employer.

4 Citation

This Order may be cited as the Social Security (Classification) (Jersey) Order 1974.

SCHEDULE 1⁵**PART 1**

Employments in respect of which, subject to the provisions of Article 2 and to the exceptions in column (B), persons are treated as Class 1 insured persons (A)	Persons excepted from the operation of column (A) (B)
<p>1. Employment under the States or a parochial authority notwithstanding that it is not employment under a contract of service.</p>	<p>1. Any person in employment specified in paragraph 1 of column (A) where the service ordinarily performed by the person in that employment (or, if the person is employed in more than one such employment, the aggregate service performed by the person in those employments) is part time service only, or where that employment is –</p> <ul style="list-style-type: none"> (a) as a medical practitioner or dental practitioner; (b) as a chaplain or other minister of religion; (c) otherwise than as an officer or servant of the States or a parochial authority or as a paid police officer.
<p>2. Employment of a medical practitioner or a dental practitioner –</p> <ul style="list-style-type: none"> (a) involving whole-time service in any hospital; or (b) in which the medical or dental practitioner is wholly or mainly engaged and is remunerated by salary. 	<p>2. None.</p>
<p>3. Employment as a nurse (as defined in Article 1) notwithstanding that the employment is not under a contract of service.</p>	<p>3. Any person in employment specified in paragraph 3 of column (A) in a month in which that person is not exclusively so employed by one employer for at least 35 hours or for at least 8 hours in any week falling within that month.</p>
<p>4. Employment not being employment under a contract of service or</p>	<p>4. Any person in employment specified in paragraph 4 of column (A) –</p>

employment in respect of which a person is, under any other provision of this Schedule, treated as an employed person, in which the person employed renders, or is under an obligation to render, personal service and is subject to supervision, direction or control, or to the right or supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person and –

- (a) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person; or
- (b) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed.

- (a) where the service of the person employed is rendered in the person's own home or on other premises not under the control or management of the person to whom the person employed is supplied, except where such other premises are premises at which the person employed is required, by reason of the nature of the service, to render service; or
- (b) in a case where remuneration is not paid by or through, or on the basis of accounts submitted by that third person –
 - (i) where the person employed has obtained that employment through a third person as part of that third person's activities in which persons seeking employment are introduced to persons requiring their services, and
 - (ii) where as a result of such an introduction the person employed and the person to whom the person has been introduced have entered into a contract with each other for the rendering of such service, and
 - (iii) where only the person employed and the person to whom the person has been introduced have a direct financial interest in the continued employment in that employment of the person employed.

5. Employment by any one employer in the building or construction industry in respect of which manual labour is personally performed by a person notwithstanding that the employment is not employment under a contract of service.
5. None.

PART 2

Employments in respect of which, subject to the exceptions in column (B) of this Part, persons are treated as Class 2 insured persons.

(A)

6. Employment of a person in any employment by virtue of which the person would but for the provisions of this paragraph be an employed person, if –

- (a) the person is not ordinarily resident in Jersey; and
- (b) the employer of that person is not so ordinarily resident, and has no place of business in Jersey.

7. Employment of a casual nature.

8.

9.

Persons excepted from the operation of column (A).

(B)

6. None.

7. Any person in employment specified in paragraph 7 of column (A) where that employment is either –

- (a) for the purposes of the employer's trade or business or, where the employer is the States or a parochial authority, for the purposes of the exercise and performance of the powers and duties of the States or of that authority, as the case may be;
- (b) for the purposes of any game or recreation where the person employed is engaged or paid through a club; or
- (c) as a nurse (as defined in Article 1) in a month in which the nurse is exclusively so employed by one employer for at least 8 hours in any week falling within that month.

8.

9.

10. Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for the person's livelihood on the person's earnings from some occupation other than employment as such an agent, or where the person is ordinarily employed as such agent by more than one employer, and the person's employment under no one of such employers is that on which the person is mainly dependent for the person's livelihood.
10. None.
11. Employment under a contract of service by the insured person's spouse or civil partner for the purposes of a trade or business.
11. None.
12. Occasional employment by any one employer involving planting or sowing, or picking, lifting, gathering, collecting or harvesting, as the case may be, plants or plant produce (including fruit, vegetables, flowers, grain bulbs, potatoes or any other root crops), or involving any operation ancillary thereto.
12. Any person employed as specified in paragraph 12 of Column (A) –
- (a) who is ordinarily employed in employed person's employment or is ordinarily gainfully occupied in agriculture (including horticulture); and
- (b) who produces to the person's employer satisfactory evidence that the person is so ordinarily employed or occupied.
- 13.
- 13.
14. Employment of a person in any employment where the earnings derived therefrom are, in any particular month, less than the lower monthly earnings limit specified in paragraph 2 of Schedule 1A to the Law.
14. None.
15. Employment by the father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the insured person, insofar as the employment –
15. None.

- (a) is employment in a private dwelling-house in which both the insured person and the employer reside; and
- (b) is not employment for the purposes of any trade or business carried on there by the employer.
16. Employment by the insured person's spouse or civil partner otherwise than for the purposes of a trade or business whether or not under a contract of service. 16. None.
17. Employment of a person (whether or not under contract of service) by, or as partner of, or in any similar association with, his or her spouse or civil partner. 17. None.
18. Employment as a special constable. 18. None.
19. Employment, involving part-time service only, as a member of the States Fire Service. 19. None.
20. Employment, involving part-time service only – 20. None.
- (a) in the operation of a life-boat; or
- (b) in the operation of a rocket or other life-saving apparatus or any gear connected therewith;
- and in any duties ancillary to such operations.
21. Employment as secretary or clerk of a society, club, committee, philanthropic institution, school or other similar body or institution where personal service is ordinarily required only occasionally or outside the ordinary hours of work. 21. None.
22. Employment as a caretaker in respect of which no wages are paid, or other money payments made, either by the employer or by any other person. 22. None.
23. Employment, involving part-time service only, as a leader, helper or instructor in an institution of further education, including a voluntary youth club or community centre where personal service is required only outside the ordinary hours of work. 23. None.

24. Employment under a contract of service which is subsidiary to other employment, not being employment under a contract of service, where the Minister is satisfied that –

(a) that contract of service was entered into with a view to avoiding liability to pay Class 2 contributions; or

(b) classification as an employed person by virtue of that employment would lead to inequalities or injustice to the general body of insured persons or to any class of insured persons.

25. Employment by a limited liability company where the Minister is satisfied that the insured person, the insured person's spouse, civil partner, nominee or other agent –

(a) is beneficially entitled to not less than one half of the total shares of that company; or

(b) otherwise has substantial control of the operations of that company

24. None.

25. None.

SCHEDULE 2 ⁶**EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS**

Employments. (A)	Persons treated as employers. (B)
1. Employment of a casual nature for the purposes of any game or recreation of a person who is engaged or paid for that employment through a club.	1. The club.
2. Employment as a nurse (as defined in Article 1), whether under a contract of service or not, not being employment specified in paragraph 3 of column (B) of Schedule 1 where the pecuniary remuneration in respect of the employment is received from – <ul style="list-style-type: none"> (a) any person carrying on an agency for the supply of nurses and midwives; or (b) any parochial authority; or (c) any person or body of persons carrying on a hospital. 	2. The person or body from whom the pecuniary remuneration is received.
3. Employment as a nurse (as defined in Article 1), whether under a contract of service or not, not being employment specified in paragraph 3 of column (B) of Schedule 1 where the pecuniary remuneration in respect of the employment is received from a patient or from a third person (not being a person, authority or body specified in paragraph 2(a), (b) and (c) of this column) on behalf of such a patient.	3. The patient.

4. Employment, whether under a contract of service or not, not being employment specified in paragraph 4 of column (B) of Schedule 1 or employment to which any other paragraph of this Schedule applies, in which the person employed renders or is under an obligation to render personal service and is subject to supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person and –

- (a) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person; or
- (b) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed.

5. Employment by any one employer in the building or construction industry in respect of which manual labour is personally performed by a person notwithstanding that the employment is not employment under a contract of service.

4. The third person by whom or through whose agency the person employed is supplied.

5(1)(a) Where the person is employed by a third person and receives his or her remuneration from that third person, that third person;

(b) Where a person acts as –

- (i) spokesman,
- (ii) negotiator, or
- (iii) paymaster,

for 2 or more persons acting in concert offering themselves to carry out any type of work or function in the building and construction industry, that person;

(c) subject to sub-paragraph (2), in any other case, the person with whom the person employed contracted to do the work.

(2) Sub-paragraph (1)(c) does not apply where the contract entered into was a contract for services between the owner or occupier of a dwelling and the contract was for work to be carried out on that dwelling or within its environs.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Social Security (Classification) (Jersey) Order 1974	R&O.6107	1 January 1975
Social Security (Classification) (Amendment) (Jersey) Order 1981	R&O.6916	1 May 1981
Social Security (Classification) (Amendment No. 2) (Jersey) Order 1993	R&O.8532	1 May 1993
Social Security (Classification) (Amendment No. 3) (Jersey) Order 2000	R&O.45/2000	1 June 2000
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005
Social Security (Miscellaneous Provisions) (Jersey) Order 2011	R&O.123/2011	1 October 2011
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	R&O.47/2012	2 April 2012
Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018	L.19/2018	1 July 2018 (R&O.68/2018)
Social Security (Classification and Contributions) (Amendment) (Jersey) Order 2021	R&O.161/2021	1 January 2022

Table of Renumbered Provisions

Original	Current
FIRST SCHEDULE	SCHEDULE 1
PART I	PART 1
1(1)	1
1(2)	spent, omitted from this revised edition
4a	5
PART II	PART 2
5	6
6	7
7	8
8	9
9	10

Original	Current
10	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
18	19
19	20
21	22
22	23
23	24
24	25
SECOND SCHEDULE	SCHEDULE 2

Table of Endnote References

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- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1 amended by R&O.6916, R&O.45/2000*
- ³ *Article 3 heading amended by R&O.161/2021*
- ⁴ *Article 3A inserted by R&O.161/2021*
- ⁵ *Schedule 1 amended by R&O.6916, R&O.8532, R&O.45/2000, R&O.123/2011, R&O.47/2012, L.19/2018, R&O.161/2021*
- ⁶ *Schedule 2 amended by R&O.8532*