
STATUTORY INSTRUMENTS

1998 No. 2573

The Employers' Liability (Compulsory Insurance) Regulations 1998

Prohibition of certain conditions in policies of insurance

2.—(1) For the purposes of the 1969 Act⁽¹⁾, there is prohibited in any contract of insurance any condition which provides (in whatever terms) that no liability (either generally or in respect of a particular claim) shall arise under the policy, or that any such liability so arising shall cease, if—

- (a) some specified thing is done or omitted to be done after the happening of the event giving rise to a claim under the policy;
- (b) the policy holder does not take reasonable care to protect his employees against the risk of bodily injury or disease in the course of their employment;
- (c) the policy holder fails to comply with the requirements of any enactment for the protection of employees against the risk of bodily injury or disease in the course of their employment; or
- (d) the policy holder does not keep specified records or fails to provide the insurer with or make available to him information from such records.

(2) For the purposes of the 1969 Act there is also prohibited in a policy of insurance any condition which requires—

- (a) a relevant employee to pay; or
- (b) an insured employer to pay the relevant employee,

the first amount of any claim or any aggregation of claims.

(3) Paragraphs (1) and (2) above do not prohibit for the purposes of the 1969 Act a condition in a policy of insurance which requires the employer to pay or contribute any sum to the insurer in respect of the satisfaction of any claim made under the contract of insurance by a relevant employee or any costs and expenses incurred in relation to any such claim.

(1) See the definition of “approved policy” in section 1(3)(a).