

2006 No. 298

EMPLOYER'S LIABILITY

**The Employer's Liability (Compulsory Insurance)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - - - *3rd July 2006*

Coming into operation - *28th August 2006*

The Department of Enterprise, Trade and Investment(**a**) makes the following Regulations in exercise of the powers conferred by Articles 7(c) and 10(1) of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(**b**) and now vested in it(**c**).

Citation and commencement

1. These Regulations may be cited as the Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 28th August 2006.

Interpretation

2. In these Regulations "the principal Regulations" means the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999(**d**).

Amendments to the Principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following paragraphs.

(2) For regulation 9(2) there shall be substituted —

“(2) The exemption applies to all cases to which that requirement would otherwise apply, except that for the employers specified in paragraph 3 of Schedule 2 it applies only so far as is mentioned in that paragraph”.

(3) For Schedule 2 there shall be substituted the Schedule set out in the Schedule to these Regulations.

Revocation

4. The Employer's Liability (Compulsory Insurance) (Amendment No.2) Regulations (Northern Ireland) 2005(**e**) are hereby revoked.

(a) Formerly the Department of Economic Development; see S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)
(b) S.I. 1972/963 (N.I. 6)
(c) By S.R. & O. (N.I.) 1973 No. 504, Article 6 and Schedule 3
(d) S.R. 1999 No. 448
(e) S.R. 2005 No. 392

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 3rd July 2006.



Michael J. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

SCHEDULE

Regulation 3

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE EMPLOYER'S LIABILITY (COMPULSORY INSURANCE) REGULATIONS (NORTHERN IRELAND) 1999

“SCHEDULE 2

Regulation 9

EMPLOYERS EXEMPTED FROM INSURANCE

1. Any district council.
2. Any Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(a).
3. Any employer to the extent that he is required by paragraph (1) of Article 5 of the 1972 Order to insure and maintain insurance against liability for personal injury suffered by his employee when the employee is —
 - (i) carried in or upon a motor vehicle; or
 - (ii) entering or getting on to, or alighting from, a motor vehicle,in the circumstances specified in that paragraph and where that personal injury is caused by, or arises out of, the use by the employer of a motor vehicle on a road; and the expressions “road” and “motor vehicle” have the same meanings as in Part I of the Road Traffic (Northern Ireland) Order 1995(b).
4. Any employer which is a company that has only one employee and that employee also owns fifty per cent or more of the issued share capital in that company.
5. Any Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(c).
6. Any subsidiary of any such body as is mentioned in Article 7(b) of the 1972 Order (which exempts any body corporate established by or under any statutory provision for the carrying on of any industry or part of an industry, or of any undertaking, under public ownership or control) and any company of which two or more such bodies are members and which would, if these bodies were a single body corporate, be a subsidiary of that body corporate.
7. Economic Research Institute of Northern Ireland Limited.
8. General Consumer Council for Northern Ireland.
9. Ilex Urban Regeneration Company Limited.
10. Invest Northern Ireland.
11. Northern Ireland Judicial Appointments Commission.
12. Northern Ireland Legal Services Commission.

(a) S.I. 1986/594 (N.I. 3); Article 3 was amended by S.I. 1989/2406 (N.I. 20)

(b) S.I. 1995/2994 (N.I. 18)

(c) S.I. 1972/1265 (N.I. 14)

13. Northern Ireland Medical and Dental Training Agency.
14. Northern Ireland Tourist Board.
15. Planning Appeals Commission.
16. Strategic Investment Board.
17. The Agri-food and Biosciences Institute.
18. The Guardian Ad Litem Special Agency.
19. The Local Government Staff Commission for Northern Ireland.
20. The Mental Health Commission for Northern Ireland.
21. The Northern Ireland Blood Transfusion Service Special Agency.
22. The Northern Ireland Central Services Agency.
23. The Northern Ireland Council for the Curriculum, Examinations and Assessment.
24. The Northern Ireland Fire and Rescue Service Board.
25. The Northern Ireland Local Government Officers' Superannuation Committee.
26. The Northern Ireland Practice and Education Council For Nursing and Midwifery.
27. The Northern Ireland Social Care Council.
28. The Regional Medical Physics Agency.
29. The Staffs Council for Health and Personal Social Services.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999 ("the 1999 Regulations"). The 1999 Regulations specify employers who are exempted from the requirements of Part III of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 ("the 1972 Order") to insure and maintain insurance against liability for personal injury suffered by their employees and arising out of and in the course of their employment. The specified employers are certain public bodies; the specified classes of employer include any employer to the extent that he is required to insure under a compulsory motor insurance scheme by virtue of the fact that his employees are carried on, or are alighting from or are entering into, a motor vehicle. The exemptions specified in the 1999 Regulations are additional to those contained in Article 7 of the 1972 Order.

These Regulations remove the Fire Authority for Northern Ireland from the exemptions in the 1999 Regulations and replace it with the Northern Ireland Fire and Rescue Service Board which was created by the Fire and Rescue Services (Northern Ireland) Order 2006 (2006 No. 1254 (N.I. 9)) with effect from 1 July 2006. These Regulations add the Agri-food and Biosciences Institute to the exemptions in Schedule 2 to the 1999 regulations.

These Regulations also make a consequential amendment to regulation 9(2) of the 1999 Regulations.