

Mariners

REGULATIONS, DATED 27TH APRIL, 1953, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1953. No. 72

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 55 of the National Insurance Act (Northern Ireland), 1946 (a), and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Mariners) Amendment Regulations (Northern Ireland), 1953, shall be read as one with the National Insurance (Mariners) Regulations (Northern Ireland), 1948 (b), as amended (c), (hereinafter referred to as “the principal regulations”) and shall come into operation on the 27th April, 1953.

Amendment of regulation 2 of the principal regulations

2.—(1) Regulation 2 of the principal regulations shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the First Schedule hereto.

(2) The following sub-paragraph shall be substituted for sub-paragraph (b) of paragraph (2) of the said regulation 2 :—

“(b) being a foreign-going ship, but not being a ship engaged in regular trade on foreign stations, contributions equal to three-fifths of the contributions which he would otherwise have been liable to pay as employer’s contributions in accordance with subsection (2) of section 2 of, and Part II of the First Schedule to, the Act, subject to the qualification that where any such contribution would, apart from this provision, include a fraction of a penny, that fraction shall be disregarded if it is less than a halfpenny and shall be treated as a penny if it is a halfpenny or more.”

Amendment of regulation 6 of the principal regulations

3.—(1) Regulation 6 of the principal regulations shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Second Schedule hereto.

(2) At the beginning of paragraph (2) of the said regulation 6 there shall be inserted before the words “The amount” the words :—

“(2) Subject to the provisions of the next following paragraph.”

(a) 1946. c. 23.

(b) S. R. & O. (N.I.) 1948. No. 236.

(c) S. R. & O. (N.I.) 1949. No. 50; S. R. & O. (N.I.) 1951. No. 174.

(3) Immediately after paragraph (2) of the said regulation 6 there shall be inserted the following paragraph :—

“(3) Where an employer has paid contributions in accordance with the provisions of sub-paragraph (b) of the said paragraph (2) of regulation 2 and has also paid compulsory contributions for the same period in respect of the same mariner under the legislation relating to social insurance of a country other than Northern Ireland, the Ministry, if application to that effect is made to it in writing, may, at its discretion, refund to the employer an amount not exceeding the sum paid by way of contributions under the legislation of that country or the sum paid by way of contributions under the said sub-paragraph (b), whichever is the less.”

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 27th day of April, 1953, in the presence of

(L.S.)

William Allen,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of April, 1953, in the presence of

(L.S.)

G. N. Cox,

Assistant Secretary to the Ministry of Finance for Northern Ireland.

FIRST SCHEDULE

REGULATION 2 OF THE PRINCIPAL REGULATIONS, AS AMENDED *

Insurance of mariners

2.—(1) Subject to the provisions of paragraph (2) of this regulation, where a mariner —

- (a) is employed as a mariner on board any British ship ; or
- (b) is employed as master or a member of the crew of any ship or vessel, other than a British ship and —
 - (i) the contract in respect of the employment is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on her voyage ; and
 - (ii) the owner (or managing owner, if there is more than one owner) has a place of business in Northern Ireland ;

then, notwithstanding that he does not fulfil the conditions of section 1 of the Act (which section relates to the description and classification

* The amendments made by these regulations are shown in italics.

of insured persons), the mariner shall be insured under the Act, and his employment shall be treated as an employed contributor's employment (a) :

Provided that this paragraph, in so far as it treats employment as being an employed contributor's employment, shall not apply in respect of the employment of a person as a share fisherman not under contract of service unless that person either —

- (a) during the twelve months immediately preceding the commencement of that employment has, or would but for his being unemployed or incapable of work have, been wholly or mainly engaged in, and derived his livelihood wholly or mainly from, employment as a share fisherman or such employment and any other employment as an employed person ; or
- (b) if unable to satisfy the foregoing condition, may reasonably be expected so to be engaged and to derive his livelihood during the twelve months following the commencement of that employment ;

and in determining under this proviso the commencement of such employment, but for that purpose only, any such employment occurring before the appointed day (b) shall be disregarded

(2) Notwithstanding the provisions of the last preceding paragraph, a mariner employed as master or a member of the crew of any ship or vessel, who neither is domiciled nor has a place of residence in the United Kingdom, shall be excepted from insurance in respect of that employment, but the employer shall, nevertheless, be liable to pay under the Act, in respect of any such mariner employed on board a British ship —

- (a) being a home-trade ship, the same contributions as he would otherwise have been liable to pay as employer's contributions in accordance with subsection (2) of section 2 of, and Part II of the First Schedule to, the Act ; and
- (b) *being a foreign-going ship, but not being a ship engaged in regular trade on foreign stations, contributions equal to three-fifths of the contributions which he would otherwise have been liable to pay as employer's contributions in accordance with subsection (2) of section 2 of, and Part II of the First Schedule to, the Act, subject to the qualification that where any such contribution would, apart from this provision, include a fraction of a penny, that fraction shall be disregarded if it is less than a halfpenny and shall be treated as a penny if it is a halfpenny or more :*

Provided that —

- (i) this paragraph shall have effect subject to any Order in Council giving effect to any reciprocal agreement made

(a) See s. 1 (2), National Insurance Act (Northern Ireland), 1946.

(b) 5th July, 1948. See S. R. & O. (N.I.) 1948. No. 32.

under section 61 of the Act (which section relates to reciprocal agreements with Dominions, colonies and foreign countries); and

- (ii) the employer of any such mariner who is employed under a British whaling contract shall not be liable to pay any contributions in respect of him.

SECOND SCHEDULE

Regulation 3.

REGULATION 6 OF THE PRINCIPAL REGULATIONS, AS AMENDED *

Administration and application of contributions paid in respect of non-domiciled mariners employed as masters or members of the crews of British ships

6.—(1) The contributions payable by virtue of paragraph (2) of regulation 2 shall be carried by the Ministry to a separate account, and the provisions of the Act and the regulations and orders made thereunder in relation to the National Insurance Fund shall be construed accordingly.

(2) *Subject to the provisions of the next following paragraph, the amount of such contributions shall be applied, after allowing for the expenses of collection thereof,—*

- (a) to the formation of a reserve of such sum as the Ministry shall from time to time determine for the purpose of meeting any liabilities which may arise by virtue of any Order in Council giving effect to any reciprocal agreement made under section 61 of the Act; and
- (b) as to the residue thereof, for the purposes of The Merchant Navy Welfare Board (mentioned in sub-paragraph (b) of paragraph (2) of regulation 6 of the National Insurance (Mariners) Regulations, 1948) and the Seamen's Special Fund (incorporated by Royal Charter under the name of the Royal Seamen's Pension Fund), in such proportions as the Ministry shall from time to time direct.

(3) *Where an employer has paid contributions in accordance with the provisions of sub-paragraph (b) of the said paragraph (2) of regulation 2 and has also paid compulsory contributions for the same period in respect of the same mariner under the legislation relating to social insurance of a country other than Northern Ireland, the Ministry, if application to that effect is made to it in writing, may, at its discretion, refund to the employer an amount not exceeding the sum paid by way of contributions under the legislation of that country or the sum paid by way of contributions under the said sub-paragraph (b), whichever is the less.*

* The amendments made by these regulations are shown in italics.