

Mariners (Insurability) Regulations

REGULATIONS, DATED 27TH JULY, 1954, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND), 1946 TO 1953.

1954. No. 115

The Industrial Injuries Joint Authority, in exercise of powers conferred by the First Schedule to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 (a), and the Ministry of Labour and National Insurance, in exercise of powers conferred by subsection (1) of section 79 of that Act, subsection 1 of section 1 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953 (b), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) Mariners (Insurability) Regulations (Northern Ireland), 1954, and shall come into operation on the 9th August, 1954.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946;

“the insurable employments Schedule” means Part I of the First Schedule to the Act;

“manager” and “owner” have, in relation to a ship or vessel, the same meaning as in paragraph 2 of the insurable employments Schedule;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment.

(4) The Interpretation Act, 1889 (c) applies for the purpose of the interpretation of these regulations in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

Insurable employments

2. The insurable employments Schedule shall have effect as if paragraph 2 (which relates to employment in connection with British ships or vessels) included the employments set out in Part I of the First Schedule hereto, and as if paragraph 3 (which relates to employment as a pilot on board a ship or vessel) included the employments set out in Part II of that schedule.

(a) 1946. c.21.

(b) 1953. c.30.

(c) 52 & 53 Vict. c.63.

Person to be treated as employer

3. In relation to any person who is employed as master or a member of the crew of a fishing vessel in any employment which is insurable employment by virtue of regulation 2 of these regulations, the owner (or the managing owner or manager, if there is more than one owner) of the fishing vessel shall, for the purposes of the Act, be treated as that person's employer in that employment.

Revocation of regulations

4. In consequence of regulations 2 and 3 of these regulations, the regulations set out in the Second Schedule hereto are hereby revoked to the extent mentioned in the third column of that schedule, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Given under the Official Seal of the Industrial Injuries Joint Authority this 27th day of July, nineteen hundred and fifty-four.

(L.S.)

T. C. Stephens,
Secretary,
Industrial Injuries Joint Authority.

Given under the Official Seal of the Ministry of Labour and National Insurance this 27th day of July, nineteen hundred and fifty-four.

(L.S.)

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

FIRST SCHEDULE

PART I

*Regulation 2.**Employments to be included in paragraph 2 of the insurable employments Schedule*

1. Employment (other than employment already specified in paragraph 2 of the insurable employments Schedule) in the fishing industry as master or a member of the crew of a fishing vessel, which is manned by more than one person and is a ship or vessel within sub-paragraph (2) of the said paragraph 2 where the person employed is remunerated in respect of that employment in whole or in part by a share in the profits or gross earnings of that fishing vessel and 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 in the fishing industry as aforesaid or such employment and any other employment as an employed person within the meaning of the National Insurance Act (Northern Ireland), 1946 (a); or

(a) See section 1(2)(a), National Insurance Act (Northern Ireland) 1946 (1946. c.23).

(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 paragraph the commencement of such employment, but for that purpose only, any such employment occurring before the appointed day (a) shall be disregarded.

2. Employment under a contract of service either as master or a member of the crew of any ship or vessel (not being a ship or vessel within sub-paragraph (2) of paragraph 2 of the insurable employments Schedule) where the condition set out in the following sub-paragraphs which is applicable in his case is satisfied:—

- (1) In a case where the remuneration in respect of the employment is paid by the owner of the ship or vessel—
 - (a) that the owner (or managing owner if there is more than one owner) has a place of business in Northern Ireland; and
 - (b) that the person employed either signed the ship's articles in the United Kingdom or entered there into the contract of employment to act as master or member of the crew, whether of a particular ship or vessel of the owner or of such of the ships or vessels of the owner as may be determined in accordance with the contract.
- (2) In a case where the remuneration in respect of the employment is paid by some person other than the owner of the ship or vessel, either—
 - (a) that the contract with the person by whom the remuneration is paid is entered into in the United Kingdom and that person has a place of business in Northern Ireland; or
 - (b) that that person has his principal place of business in Northern Ireland.

3. Employment under a contract of service in any other capacity on board any ship or vessel (not being a ship or vessel within sub-paragraph (2) of paragraph 2 of the insurable employments Schedule), where—

- (a) the employment would be included in that paragraph if the ship or vessel were within sub-paragraph (2) thereof; and
- (b) the person by whom the remuneration in respect of the employment is paid has a place of business in Northern Ireland.

PART II

Employment to be included in paragraph 3 of the insurable employments Schedule

Employment as a pilot on board any ship or vessel notwithstanding that the person so employed does not hold a licence or deep sea certificate from a pilotage authority in Northern Ireland covering that employment.

SECOND SCHEDULE

REGULATIONS REVOKED

Regulation 4.

Statutory Rules and Orders of Northern Ireland	Citation	Extent of Revocation
S.R. & O. (N.I.) 1948. No. 231.	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations (Northern Ireland), 1948.	1. In Part I of the First Schedule, as amended (a), the first and second entries in the first and second columns respectively. 2. In the Third Schedule as amended, paragraph 3 (b).
S.R. & O. (N.I.) 1949. No. 158.	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations (Northern Ireland), 1949.	The whole of the regulations.

Prescribed Diseases

REGULATIONS, DATED 19TH FEBRUARY, 1954, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1954. No. 21

The Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 54, 55, 56 and 85 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

(a) See regulation 2, S.R. & O. (N.I.) 1949. No. 158.

(b) Inserted by regulation 3, S.R. & O. (N.I.) 1949. No. 158.

(c) 1946. c.21.