

1973. No. 11

[C]

**NATIONAL INSURANCE (INDUSTRIAL INJURIES)****Insurable and Excepted Employments**

REGULATIONS, DATED 18TH JANUARY 1973, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY, WITH THE CONSENT OF THE MINISTRY OF FINANCE, AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND) 1966.

The Industrial Injuries Joint Authority, with the consent of the Ministry of Finance on behalf of the Secretary of State, so far as relates to matters with regard to which such consent is required, in exercise of powers conferred by Schedule 1 to the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), and the Ministry of Health and Social Services on behalf of the Secretary of State, in exercise of powers conferred by section 74(1) of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with section 80(2) of the said Act:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations (Northern Ireland) 1973 and shall come into operation on 5th February 1973.

(2) In these regulations—

“the Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966;

“hospital” means any institution for the reception and treatment of persons suffering from illness (including mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961(b)), any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, nurseries and out-patient departments maintained in connection with any such institution or home as aforesaid.

*Insurable employments*

2. Part I of Schedule 1 to the Act (insurable employments) shall have effect as if each of the paragraphs thereof specified in column 1 of Part I of Schedule 1 to these regulations included the employment or employments set out in respect of such paragraph in column 2 of the said Part of Schedule 1 hereto.

*Excepted employments*

3. Part II of Schedule 1 to the Act (excepted employments) shall have effect as if paragraph 1 thereof (employment under a public or local authority) included the employments set out in Part II of Schedule 1 to these regulations.

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(a) 1966. c. 9 (N.I.).

(b) 1961. c. 15.

*Employments to be included among the insurable employments*

4. The employments specified in Part I of Schedule 2, being employments which, apart from this regulation, would not be insurable under the Act and which are such that it appears to the Ministry that—

- (a) the nature and other circumstances of the service rendered and the work performed therein and in employment which is insurable under the Act are so similar as to result in anomalies in the operation of the Act; and
- (b) the employments so specified can conveniently be included among the insurable employments;

shall be included among the insurable employments.

*Employment to be included among the excepted employments*

5. The employment specified in Part II of Schedule 2, being employment which, apart from this regulation, would be insurable under the Act and which is such that it appears to the Ministry that—

- (a) the nature and other circumstances of the service rendered and the work performed therein and in employment which is not insurable under the Act are so similar as to result in anomalies in the operation of the Act; and
- (b) the employment so specified can conveniently be included among the excepted employments;

shall be included among the excepted employments.

*Persons to be treated as employers*

6. In relation to any insured person who is employed in any employment specified in column 1 of Schedule 3, the person specified opposite thereto in column 2 of that Schedule shall, for the purposes of the Act, be treated as that person's employer in that employment.

*Revocations*

7. The regulations specified in column 2 of Schedule 4 are hereby revoked to the extent mentioned in column 3 of that Schedule.

Given under the Official Seal of the Industrial Injuries Joint Authority  
this 18th day of January 1973.

(L.S.)

*N. Hanson,*  
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services  
for Northern Ireland this 18th day of January 1973.

(L.S.)

*C. G. Oakes,*  
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby  
consents to regulations 4, 5 and 7.

Given under the Official Seal of the Ministry of Finance for Northern  
Ireland this 18th day of January 1973.

(L.S.)

*C. F. Darling,*  
Assistant Secretary.

## SCHEDULE 1

Regulations 2 and 3

## PART I

## INSURABLE EMPLOYMENTS

Paragraphs of Part I of Schedule 1 to the Act  1	Employments to be included as Insurable Employments  2
Paragraph 12 (employment in connection with fire brigades and similar organisations).	Employment in Northern Ireland as a member, or as a person training to become a member, of any fire brigade, first aid party, salvage party or air raid precautions party at a mine or quarry or at any premises to which any of the provisions of the Factories Act (Northern Ireland) 1965(c) applies, or at a shop, office or other premises used solely for business or commercial purposes, in any case in which such organisation is established in pursuance of an obligation imposed under statute or by or with the consent of the owner or occupier of any such mine, quarry or other premises.

## PART II

## EXCEPTED EMPLOYMENTS

Employment in Northern Ireland, not being employment under a contract of service, under a public or local authority constituted in Northern Ireland, where the service ordinarily performed by the person employed in that employment (or, if he is employed in more than one such employment, the aggregate service performed by him in those employments) is part-time service only, or where that employment is—

- (a) as a medical practitioner or dental practitioner on the list of the Northern Ireland General Health Services Board constituted in accordance with the provisions of the Health Services Act (Northern Ireland) 1971(d);
- (b) as a chaplain or other minister of religion;
- (c) otherwise than as an officer or servant of a public or local authority or as a constable.

(c) 1965. c. 20 (N.I.).

(d) 1971. c. 1 (N.I.).

## SCHEDULE 2

Regulations 4 and 5

## PART I

## EMPLOYMENTS TO BE INCLUDED AMONG THE INSURABLE EMPLOYMENTS

## 1. Employment of a medical practitioner or a dental practitioner—

- (a) involving whole-time service in any hospital; or
- (b) in which he is wholly or mainly engaged and is remunerated by salary.

## 2. Employment—

- (a) as the Chief Clerk or the Assistant Chief Clerk or the Taxing Master or one of the several registrars of the Supreme Court of Judicature of Northern Ireland (including employment as an assistant registrar or deputy assistant registrar or district registrar); or
- (b) in the county court service for Northern Ireland in the capacity of clerk of the Crown and peace or whole-time registrar.

3. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.

4. Employment as a clerk, secretary, typist or book-keeper or in any similar capacity, or as a telephonist or office machine operator where the person employed is supplied by or through the agency of some third person and where the remuneration of the person employed is paid by or through or on the basis of accounts submitted by that third person but not including any such employment where the services of the person employed are rendered in his own home or on other premises not under the control or management of the person for whom the services are rendered (except where such other premises are premises at which the person employed is required, by reason of the nature of the services, to render the services).

## PART II

## EMPLOYMENT TO BE INCLUDED AMONG THE EXCEPTED EMPLOYMENTS

Employment under a contract of service 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 his livelihood on his earnings from some occupation other than employment as such an agent, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

## SCHEDULE 3

Regulation 6

## EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Employments 1	Persons treated as employers 2
<ol style="list-style-type: none"> <li>1. Employment in Northern Ireland in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.</li> <li>2. Employment of a casual nature for the purposes of any game or recreation where the person so employed is engaged or paid for that employment through a club.</li> <li>3. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.</li> <li>4. Employment as a clerk, secretary, typist or book-keeper or in any similar capacity, or as a telephonist or office machine operator where the person employed is supplied by or through the agency of some third person and where the remuneration of the person employed is paid by or through or on the basis of accounts submitted by that third person but not including any such employment where the services of the person employed are rendered in his own home or on other premises not under the control or management of the person for whom the services are rendered (except where such other premises are premises at which the person employed is required, by reason of the nature of the services, to render the services).</li> </ol>	<ol style="list-style-type: none"> <li>1. The person from whom the use of the vehicle or vessel is so obtained.</li> <li>2. The club.</li> <li>3. (a) Where the person employed is supplied by, or through the agency of, some third person and receives his remuneration from, or through the agency of that third person, that third person; (b) in any other case, the person with whom the person employed contracted to do the work.</li> <li>4. The third person by whom or through whose agency the person employed is supplied.</li> </ol>

## SCHEDULE 4

## Regulation 7

## REGULATIONS REVOKED

Statutory Rules and Orders of Northern Ireland 1	Citation 2	Extent of Revocation 3
S.R. & O. 1948, No. 231	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations (Northern Ireland) 1948.	The whole regulations.
S.R. & O. 1954, No. 115	The National Insurance (Industrial Injuries) Mariners (Insurability) Regulations (Northern Ireland) 1954.	Regulation 4 and the Second Schedule.
S.R. & O. 1960, No. 118	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations (Northern Ireland) 1960.	The whole regulations.
S.R. & O. 1968, No. 240	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations (Northern Ireland) 1968.	The whole regulations.
S.R. & O. 1970, No. 44	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations (Northern Ireland) 1970.	The whole regulations.

## EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations consolidate the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations (Northern Ireland) 1948 and subsequent amending regulations which are set out in Schedule 4 and are revoked by regulation 7.

No amendments other than those of a drafting or consequential nature have been made.