1975 No. 231

EMPLOYER'S LIABILITY

Employer's Liability (Compulsory Insurance) General Regulations (Northern Ireland) 1975

Made . . . . . 12*th August* 1975

Coming into operation—

All regulations except regulations 6 *and* 7 29*th December* 1975

Regulations 6 *and* 7 . . . 29*th December* 1976

The Department(a) of Manpower Services in exercise of the powers conferred by Articles 5, 6, 8(1) and (2) and 10 of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(b) and now vested in it(c) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Employer's Liability (Compulsory Insurance) General Regulations (Northern Ireland) 1975 and shall come into operation on 29th December 1975, with the exception of regulations 6 and 7 which shall come into operation on 29th December 1976.

(2) In these regulations—

"the Order" means the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972;

"the Department" means the Department of Manpower Services.

Prohibition of certain conditions in policies of insurance

2.—(1) Any condition in a policy of insurance issued or renewed in accordance with the requirements of Part III of the Order after the coming into operation of this regulation 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—

(*a*) in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy;

(*b*) unless the policy holder takes reasonable care to protect his employees against the risk of bodily injury or disease in the course of their employment;

(*c*) unless the policy holder complies 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; and

(*d*) unless the policy holder keeps specified records or provides the insurer with or makes available to him information therefrom,

is hereby prohibited for the purposes of Part III of the Order.

(a) Formerly Ministry: *see* 1973 c. 36 Schedule 5 paragraph 8

(b) S.I. 1972/963 (N.I. 6)

(c) By S.R. & O. (N.I.) 1973 No. 504 Article 6 and Schedule 3 (II, p. 2992)

(2) Nothing in this regulation shall be taken as prejudicing any provision in a policy requiring the policy holder to pay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of claims in respect of employees or any costs and expenses incurred in relation to such claims.

Limit of amount of compulsory insurance

3. The amount for which an employer is required by Part III of the Order to insure and maintain insurance shall be two million pounds in respect of claims relating to any one or more of his employees arising out of any one occurrence.

Employees not ordinarily resident in Northern Ireland

4. Part III of the Order shall require an employer to insure in respect of employees not ordinarily resident in Northern Ireland who are present in Northern Ireland in the course of employment there for a continuous period of not less than fourteen days as it requires him to insure in respect of employees ordinarily resident in Northern Ireland.

Issue of certificate of insurance

5.—(1) Every employer entering into a contract of insurance in accordance with the requirements of Part III of the Order shall be issued by the insurer with whom he contracts, in respect of the policy of insurance expressing the contract, with a certificate of insurance in the form and containing the particulars specified in the Schedule.

(2) Every such certificate of insurance shall be issued not later than thirty days after the date on which the insurance commences or is renewed.

(3) In any case where it is intended that a certificate of insurance shall be effective not only in Northern Ireland, but also in any of the following territories, that is to say, Great Britain, the Isle of Man, the Island of Guernsey, the Island of Jersey or the Island of Alderney, or shall be effective for the purposes of the Employer's Liability (Compulsory Insurance) Act 1969(**d**) or Part III of the Order as extended by any enactment to waters outside the United Kingdom, the form specified in the Schedule may be modified by the addition thereto, where necessary, of a reference to the relevant law which is applicable and a statement that the policy to which it relates satisfies the requirements of that law.

Display of copies of certificates of insurance

6.—(1) Where a certificate of insurance has been issued to an employer in accordance with regulation 5 he shall display a copy or copies of that certificate at his place of business or, where he has more than one place of business, at each place of business at which he employs any person whose claims may be the subject of indemnity under the policy of insurance to which that certificate relates.

(2) Copies of any certificate of insurance issued in accordance with regulation 5 shall be displayed in such numbers and characters and in such positions as to be easily seen and read by every person employed whose claims may be the subject of indemnity under the policy of insurance to which the certificate relates and, where displayed in the open, shall be protected from the weather.

(**d**) 1969 c. 57

(3) Copies of any certificate of insurance issued in accordance with regulation 5 shall be kept displayed until the expiration of the period of insurance stated in the certificate or if the policy of insurance to which the certificate relates is cancelled before that time, until the policy is cancelled and, in either case, shall not be displayed thereafter.

Production of certificates of insurance

7. Where an employer is served with a notice issued on behalf of the Department requiring him to do so, he shall produce or send to any officer of the Department specified in the notice, at the address and within the time specified therein, the original or a copy of every certificate of insurance issued to him in accordance with regulation 5, which relates to a period of insurance current at the date of the notice.

Inspection of policies of insurance

8. An employer who has entered into a contract of insurance in accordance with the requirements of Part III of the Order shall during the currency of the insurance permit the policy of insurance expressing the contract or a copy of the policy to be inspected by any inspector duly authorised by the Department for the purposes of Part III of the Order either (in the case of a company) at the registered office or (in any case) at a place of business of the employer as the inspector requires and at a time when the inspector requires it to be produced for inspection, being a time of which reasonable notice has been given.

Production by inspectors of evidence of authority

9. Any inspector duly authorised by the Department for the purposes of Part III of the Order shall, if so required when visiting any premises for those purposes, produce to an employer or his agent some duly authenticated document showing that he is so authorised.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 12th August 1975.

(L.S.) *R. T. O'Connor*
Assistant Secretary

SCHEDULE Regulation 5

Certificate of Employer's Liability Insurance

(A copy or copies of this certificate must be displayed at each place of business at which the policy holder employs persons covered by the policy.)

Policy No.

1. Name of policy holder
2. Date of commencement of insurance
3. Date of expiry of insurance

WE HEREBY CERTIFY that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Northern Ireland.

Signed on behalf of (Authorised Insurer)

(Signature)

EXPLANATORY NOTE

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

These regulations prohibit for the purposes of Part III of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 certain conditions in policies of insurance which would entitle insurers to deny liability under the policy. They limit the amount for which an employer is required by the Order to insure to two million pounds in respect of any one occurrence giving rise to liability. They apply Part III of the Order to certain persons employed in Northern Ireland who are not ordinarily resident here.

The regulations also require insurers entering into contracts of insurance with employers in accordance with the requirements of Part III of the Order to issue certificates of insurance in a prescribed form and require employers to display copies of the certificates for the information of their employees. The regulations make provision for the production of the certificates or a copy of the certificates for inspection and require employers to permit inspectors authorised by the Department to inspect the policy of insurance or a copy thereof.