Insurable and Excepted Employments

REGULATIONS, DATED 3RD JULY, 1948, MADE BY THE INDUSTRIAL INJURIES JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

Amended S R & O 1963 (N.I) no 158

1948. No. 231.

The Industrial Injuries Joint Authority, with the consent of the Ministry of Finance, so far as relates to matters with regard to which such consent is required, in exercise of the powers conferred by the First Schedule to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and the Ministry of Labour and National Insurance, in exercise of the powers conferred by subsection (1) of section 79 of that Act, 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) (Insurable and Excepted Employments) Regulations (Northern Ireland), 1948, and shall come into operation on the 3rd July, 1948.

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

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

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

"hospital" means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, 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;

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, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Insurable employments.

2. Part I of the First Schedule to the Act (which Part specifies the insurable employments under the Act) shall have effect as if each of the paragraphs thereof specified in the first column of Part I of the First

Schedule to these regulations included the employment or employments set out in respect of such paragraph in the second column of the said Part of the First Schedule hereto.

Excepted employments.

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

Employment to be included among the insurable employments.

4. The employment specified in Part I of the Second Schedule to these regulations, being employment which, apart from this regulation, would not 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 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 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 the Second Schedule to these regulations, 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 the first column of the Third Schedule to these regulations, the person specified opposite thereto in the second column of that Schedule shall, for the purposes of the Act, be treated as that person's employer in that employment.

Given under the Official Seal of the Industrial Injuries Joint Authority this 3rd day of July, nineteen hundred and forty-eight.

L.S.

C. D. Curtis,
Secretary, Industrial Injuries Joint Authority.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 3rd day of July, nineteen hundred and forty-eight, in the presence of

L.S.

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

The Ministry of Finance for Northern Ireland hereby consents to Regulations 4 and 5.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of July, nineteen hundred and forty-eight, in the presence of

L.S.

John I. Cook,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

Regulations 2 & 3.

FIRST SCHEDULE

PART I

Insurable Employments

Paragraphs of Part I of the First Schedule to the Act.	*Employments to be included as insurable employments.*
Paragraph 2 (which relates to employment as master or as a member of the crew of a ship or vessel).	Employment (other than employment already specified in paragraph 2 of Part I of the First Schedule to the Act) 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 to which the said paragraph 2 applies, being employment of a person— (*a*) who, during the year, is wholly or mainly engaged in, and derives his livelihood wholly or mainly from, employment as aforesaid in respect of which he is remunerated in whole or in part by a share in the profits or gross earnings of that fishing vessel; or (*b*) who, having newly entered into the fishing industry, may reasonably be expected to be engaged and derive his livelihood as aforesaid.

Insurable Employments—cont.

Paragraphs of Part I of the First Schedule to the Act.	*Employments to be included as insurable employments.*
Paragraph 3 (which relates to employment as a pilot on board a ship or vessel).	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.
Paragraph 8 (which relates to 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), 1938, 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), 1948;

(*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.

SECOND SCHEDULE

Regulations 4 and 5.

PART I

Employment to be included among the insurable employments

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.

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.

Regulation 6.

THIRD SCHEDULE

Employments in respect of which persons are treated as Employers

Employments.	*Persons treated as employers.*
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.	1. The person from whom the use of the vehicle or vessel is so obtained.
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.	2. The club.

Mariners

REGULATIONS, DATED 1ST JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 205

The Ministry of Labour and National Insurance in exercise of the powers conferred by sections 25, 26, 32, 63 (1) and 76 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Mariners) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st July, 1948.