9. INSURABLE AND EXCEPTED EMPLOYMENTS

The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations, 1948

1948 No. 1456

Made - - - -	*29th June*, 1948
Laid before Parliament	*30th June*, 1948
Coming into Operation	*5th July*, 1948

M.N.I. I.I. 112.

The Industrial Injuries Joint Authority, with the consent of the Treasury 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, 1946, and the Minister of National Insurance, in exercise of the powers conferred by subsection (1) of section 80 of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations:— 9 & 10 Geo. 6. c. 62.

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations, 1948, and shall come into operation on the 5th July, 1948.

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

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

"the Minister" means the Minister of National Insurance;

"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, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

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.

Employments to be included among the insurable employments.

4. The employments specified in the first column of Part I of the Second Schedule to these regulations, being employments which, apart from this regulation, would not be insurable under the Act and which are such that it appears to the Minister 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:

Provided that any employment specified in paragraph 1 of the said first column shall not be so included if the person employed therein is a person specified in the corresponding paragraph of the second column of the said Part.

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 Minister 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 29th day of June, nineteen hundred and forty-eight.

(L.S.)

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

Given under the official seal of the Minister of National Insurance this 29th day of June, nineteen hundred and forty-eight.

(L.S.)

James Griffiths,
Minister of National Insurance.

We consent.

R. J. Taylor,
C. James Simmons,
Two of the Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE

Regulations 2 and 3.

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.
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 Great Britain covering that employment.
Paragraph 8 (which relates to employment in connection with fire brigades and similar organisations).	Employment in Great Britain 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, 1937, 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.

1 Edw. 8. & 1 Geo. 6. c. 67.

PART II

EXCEPTED EMPLOYMENTS

Employment in Great Britain, not being employment under a contract of service, under a public or local authority constituted in Great Britain, where the service ordinarily performed by the person employed in that employment (or, if he is employed in more than one such employment or he is also employed in any employment specified in paragraph 1 of the first column of Part I of the Second Schedule to these regulations, the aggregate service performed by him in those employments) is part-time service only, or where that employment is—

9 & 10 Geo. 6. c. 81. 10 & 11 Geo. 6. c. 27.

(*a*) as a medical practitioner or dental practitioner on the list of an Executive Council under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947;

(*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.

Regulations 4 and 5.

SECOND SCHEDULE

PART I

Employments which, subject to the exceptions in the second column of this Part of this Schedule, are to be included among the insurable employments	*Persons in whose case the employments specified in the first column of this Part of this Schedule are not to be included among the insurable employments*
1. Employment— (*a*) in England and Wales as superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births and deaths, or registrar or deputy registrar of marriages; (*b*) in Scotland as registrar or assistant registrar of births and deaths and marriages.	1. Any person in employment specified in paragraph 1 of Part I of this Schedule, where the service ordinarily performed by the person in that employment (or, if he is employed in more than one such employment or is also employed in any employment (not being under a contract of service) under a public or local authority constituted in Great Britain, the aggregate service performed by him in those employments) is part-time service only.
2. 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. None.

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.

THIRD SCHEDULE

Regulation 6.

EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Employments	*Persons treated as employers*
1. Employment in Great Britain 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.
3. Employment— (*a*) in England and Wales as superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births and deaths, or registrar or deputy registrar of marriages; (*b*) in Scotland as registrar or assistant registrar of births and deaths and marriages.	3. (*a*) In England and Wales, the local authority in whose employment the person employed is deemed to be an officer for the purposes of the Local Government Superannuation Act, 1937; 1 Edw. 8. & 1 Geo. 6. c. 68. (*b*) in Scotland, the council of the county or large burgh within which the whole or the greater part of the registration area of the officer is situate.

EXPLANATORY NOTE

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

These Regulations provide for the inclusion of certain specified employments among the insurable employments under the National Insurance (Industrial Injuries) Act, 1946, and of certain other specified employments among the employments which are excepted from insurance under that Act; and prescribes the persons to be treated as employers of insured persons in respect of certain specified employments.