STATUTORY INSTRUMENTS

1968 No. 1723

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1968

Made - - - -	*28th October* 1968
Laid before Parliament	*1st November* 1968
Coming into Operation	*4th November* 1968

The Industrial Injuries Joint Authority, with the consent of the Treasury, in exercise of powers conferred by Part III of Schedule 1 to the National Insurance (Industrial Injuries) Act 1965(a), and the Minister of Social Security, in exercise of powers conferred by section 79(1) of that Act, and of all other powers enabling them in that behalf, after reference to the Industrial Injuries Advisory Council in accordance with section 62(2) of that Act, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1968, shall be read as one with the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1948(b), (as amended)(c) (hereinafter referred to as " the principal regulations "), and shall come into operation on 4th November 1968.

Insurable Employment

2.—(1) Part I of Schedule 2 to the principal regulations (which Schedule sets out in the first column employments which, subject to the exceptions in the second column thereof, are to be included among the insurable employments) shall be amended in accordance with the following paragraph of this regulation and shall accordingly have effect as set out in Schedule 1 hereto.

(2) Immediately after paragraph 6 (which was added by regulation 2 of, and Schedule 1 to, the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1961(d)) there shall be added—

(*a*) in the first column:—

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

(*b*) in the second column:—

" 7. None.".

Persons to be treated as employers

3.—(1) Schedule 3 to the principal regulations (employments in respect of which persons are treated as employers) shall be amended in accordance with the following paragraph of this regulation and shall accordingly have effect as set out in Schedule 2 hereto.

(2) Immediately after paragraph 7 (which was added by regulation 3 of, and Schedule 2 to, the National Insurance (Industrial Injuries) (Insurable

(a) 1965 c. 52.
(b) S.I. 1948/1456 (Rev. XVI, p. 423: 1948 I, p. 2985).
(c) There is no amendment which relates expressly to the subject matter of this regulation.
(d) S.I. 1961/383 (1961 I, p. 576).

and Excepted Employments) Amendment Regulations 1961) there shall be added—

(*a*) in the first column:—

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

(*b*) in the second column:—

"8. (*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.".

Given under the official seal of the Industrial Injuries Joint Authority.

(L.S.)

D. J. Carter,
Secretary,
Industrial Injuries Joint Authority.

25th October 1968.

Judith Hart,
Minister of Social Security.

25th October 1968.

We consent.

Harry Gourlay,
Joseph Harper,
Two of the Lords Commissioners of Her Majesty's Treasury.

28th October 1968.

SCHEDULE 1

Regulation 2

CONTAINING PART I OF SCHEDULE 2 TO THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

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 who is not wholly or mainly engaged in such 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, is not wholly or mainly engaged in such employments in the aggregate.

* The words added by these regulations are shown in italics.

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
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; or (*c*) being employment by a Regional Hospital Board or a Board of Governors of a Teaching Hospital constituted under the National Health Service Act 1946(a), where he is employed in any two or more such employments and is wholly or mainly engaged in such employments in the aggregate and is remunerated by salary.	2. None.
3. Employment as a person appointed for the purposes of section 123(1) of the Mines and Quarries Act 1954(b), by the workmen employed in a mine or quarry, to which that Act applies.	3. None.
4. Employment of a person in pursuance of an Agreement dated 3rd March 1941, and made between the Mining Association of Great Britain and the Mineworkers' Federation of Great Britain, as amended by an Agreement dated 5th December 1946 (which substituted the National Coal Board and the National Union of Mineworkers respectively as parties thereto)— (*a*) as full-time or part-time inspector of a mine; or (*b*) for the purpose of accompanying any such inspector on the inspection of a mine.	4. None.

(a) 1946 c. 81. (b) 1954 c. 70.

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
5. Employment— (*a*) as a master or registrar or assistant master or assistant registrar of the Supreme Court of Judicature (including employment as a district registrar or assistant district registrar); or (*b*) as a whole-time registrar or whole-time assistant registrar under the County Courts Act 1959(a).	5. Any person in employment as deputy for a person holding any office specified in paragraph 5 of Part I of this Schedule.
6. Employment in or about a mine or quarry of any person (being a person nominated pursuant to section 116(1) of the Mines and Quarries Act 1954 or a person nominated by such a person for the purposes of such employment) in attending at any place at which an accident or dangerous occurrence has happened or in performing any other duty, pursuant to any consent given by an inspector for the purposes of section 120 of that Act.	6. None.
7. *Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.*	7. *None.*

SCHEDULE 2

Regulation 3

CONTAINING SCHEDULE 3 TO THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

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.

(a) 1959 c. 22.

* The words added by these regulations are shown in italics.

Employments	Persons treated as employers
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(a); (*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.
5. Employment as a person appointed for the purposes of Section 123(1) of the Mines and Quarries Act 1954 by the workmen employed in a mine or quarry to which that Act applies.	5 and 6. The person or body from whom the pecuniary remuneration in respect of the employment is received.
6. Employment of a person in pursuance of an Agreement dated 3rd March 1941, and made between the Mining Association of Great Britain and the Mineworkers' Federation of Great Britain, as amended by an Agreement dated 5th December 1946 (which substituted the National Coal Board and the National Union of Mineworkers respectively as parties thereto)— (*a*) as full-time or part-time inspector of a mine; or (*b*) for the purpose of accompanying any such inspector on the inspection of a mine.	
7. Employment in or about a mine or quarry of any person (being a person nominated pursuant to section 116(1) of the Mines and Quarries Act 1954 or a person nominated by such a person for the purposes of such employment) in attending at any place at which an accident or dangerous occurrence has happened or in performing any other duty, pursuant to any consent given by an inspector for the purposes of section 120 of that Act.	7. The person or body from whom the pecuniary remuneration in respect of the employment is received.

(a) 1937 c. 68.

Employments	Persons treated as employers
8. *Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house.*	8. (*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.*

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1948, by including among the insurable employments under the National Insurance (Industrial Injuries) Act 1965 employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling house, and by prescribing the persons to be treated as the employers of such persons.