STATUTORY INSTRUMENTS

1975 No. 469

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Airmen's Benefits) Regulations 1975

Made - - -	*20th March* 1975
Laid before Parliament	*24th March* 1975
Coming into Operation	*6th April* 1975

The Secretary of State for Social Services, in exercise of powers conferred upon her by sections 82(5) and 129(1) of the Social Security Act 1975(**a**) and paragraph 9(1)(*a*) and (*c*) of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**b**) and of all other powers enabling her in that behalf, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Airmen's Benefits) Regulations 1975, and shall come into operation on 6th April 1975.

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

"the Act" means the Social Security Act 1975;

"airman" means a person whose employment under a contract of service, or whose employment under a contract to act, as pilot, commander, navigator or other member of the crew of any aircraft or (in regulations 2, 5 and 6 only) in any other capacity on board any aircraft is treated as employed earner's employment for the purposes of Chapters IV and V of Part II of the Act under the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975(**c**);

"prescribed disease" means a disease or injury prescribed for the purposes of Chapter V of Part II of the Act;

and other expressions have the same meanings as in the Act.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply in relation to this instrument and the regulations revoked by it as if this instrument and the regulations revoked by it were Acts of Parliament and as if the revocation were a repeal.

(**a**) 1975 c. 14. (**b**) 1975 c. 18. (**c**) S.I. 1975/467 (1975 I, p. 1448).

(**d**) 1889 c. 63.

Accidents happening and diseases contracted outside Great Britain

2.—(1) Benefit shall be payable, subject to and in accordance with the provisions of the Act, in respect of an accident arising out of and in the course of, or a prescribed disease due to the nature of, the employment (being employed earner's employment) of any person as an airman notwithstanding that the accident happens or the disease is contracted while such person is outside Great Britain.

(2) The provisions of this regulation shall be extended to any employed earner who, in the course of his employment (being employed earner's employment), is on board an aircraft on a test flight starting in Great Britain, whether or not he is an airman within the meaning of these regulations.

Special provisions about benefit in the case of pilots, commanders, navigators and other members of the crew of aircraft

3. The provisions of Part II (benefit) of the Act, in their application to an airman, shall have effect subject to the following modifications:—

(*a*) where the airman, having been left outside the United Kingdom on account of illness, injury, risk of infection or loss of or damage to the aircraft in which he was employed, subsequently returns to the United Kingdom at the expense of the employer in whose service he was up to the time of being so left, an accident happening to him while so returning shall, notwithstanding that during that time he renders no services and receives no wages, be deemed to arise out of and in the course of his employment as such airman if it would have been deemed so to have arisen had the return journey been undertaken in pursuance of an obligation under his contract of service with the employer aforesaid;

(*b*) in addition to the provisions of section 54 of the Act (accidents happening while meeting an emergency), an accident happening to an airman while employed as aforesaid shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps on an actual or supposed emergency on or in connection with any aircraft to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property;

(*c*) the requirements of section 53(1)(*b*) of the Act (accidents happening while an employed earner is travelling in his employer's transport) shall not apply in the case of an airman who, with the express or implied permission of his employer, is travelling to or from his place of work in any aircraft.

Disqualification and suspension during absence from Great Britain

4. Those provisions of section 82(5) of the Act which provide for disqualification for the receipt of benefit during periods of absence from Great Britain shall have effect in relation to benefit payable in respect of an accident arising out of and in the course of, or a prescribed disease due to the nature of, the employment of an airman, subject to the following exceptions:—

(*a*) an airman shall not be disqualified for receiving injury benefit for any period during which he is absent from Great Britain by reason of his employment as an airman;

(*b*) an airman shall not be disqualified for receiving an increase of disablement pension in respect of special hardship under section 60 of the Act by reason of being absent from Great Britain in the course of his employment (being employed earner's employment as an airman).

Evidence

5. For the purpose of any claim for industrial injuries benefit by or in respect of such an airman, evidence may be taken—

(*a*) in any part of the Commonwealth or the Republic of Ireland, before a judge or magistrate or by a superintendent within the meaning of the Merchant Shipping Act 1894(**a**);

(*b*) in a foreign country, by a British consular officer.

Application of the Act and regulations

6. The provisions relating to industrial injuries benefit of the Act and of the regulations made thereunder shall, so far as they are not inconsistent with the provisions of these regulations, apply to airmen with this modification, that where an airman is, on account of his being outside the United Kingdom by reason of his employment as an airman, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

Revocations and general savings

7.—(1) Regulations 1 and 3 to 8 of the National Insurance (Industrial Injuries) (Airmen) Regulations 1948(**b**) as amended(**c**) are hereby revoked.

(2) Anything whatsoever done under or by virtue of any regulations revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provisions of these regulations, and anything whatsoever begun under any such regulations may be continued under these regulations as if begun under these regulations.

(3) Nothing in paragraph (2) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889(**d**) (effect of repeals) with regard to the effect of revocations.

Barbara Castle,
Secretary of State for Social Services.

20th March 1975.

(**a**) 1894 c. 60. (**b**) S.I. 1948/1469 (Rev. XVI, p. 428: 1948 I, p. 2914).
(**c**) S.I. 1958/1083 (1958 II, p. 1669). (**d**) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations modify and amplify the general provisions relating to benefit for industrial injuries and diseases of the Social Security Act 1975, and the regulations made thereunder, in their application to airmen. The principal modifications and amplifications are:—

(*a*) benefit is payable (subject to the provisions of the Act) in respect of accidents happening and diseases contracted outside Great Britain, and this provision is also extended to persons who in the course of employed earner's employment are on board any aircraft on a test flight starting in Great Britain, whether or not they are within the definition of airmen (regulation 2);

(*b*) in the case of pilots, commanders, navigators or members of the crew of aircraft, the conditions of entitlement to benefit have been modified in respect of accidents happening while being repatriated, while acting in an emergency and while travelling in the employer's transport (regulation 3);

(*c*) the provisions as to disqualification for the receipt of and suspension of payment of benefit during absence from Great Britain have been modified in relation to such airmen (regulation 4); and

(*d*) there are special provisions about taking evidence abroad (regulation 5).

The remaining provisions are incidental or consequential.

In so far as these Regulations are made under the power conferred by section 129(1) of the Act, they only replace provisions of previous regulations with new provisions to the same effect, and therefore, by virtue of section 167(2)(*c*) of the Act, are made without being laid before Parliament in draft under section 167(1) of the Act.

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