EXPLANATORY MEMORANDUM TO

THE EMPLOYER'S LIABILITY (COMPULSORY INSURANCE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2019

S.R. 2019 No. 205

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for the Economy ("DfE") to accompany the Statutory Rule (details above), which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 7(c) and 10 of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 ("the 1972 Order") and is subject to the negative resolution procedure.

2. Purpose

2.1 The Rule will introduce a new Schedule to be substituted for Schedule 2 to the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 448) ("the 1999 Regulations"), which specifies those employers exempted from employer's liability insurance under the 1972 Order. It updates the existing Schedule by adding Comhairle na Gaelscolaíochta, Labour Relations Agency, and Northern Ireland Council for Integrated Education. It also removes Ilex Urban Regeneration Company Limited, Northern Ireland Legal Services Commission, Northern Ireland Memorial Fund, Planning Appeals Commission and the Water Appeals Commission for Northern Ireland.

2.2 The Rule also revokes the Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 80).

3. Background

3.1 The 1999 Regulations were made under the 1972 Order, which requires most employers to insure against liability for injury or disease suffered by their employees arising out of their employment. The requirement for eligible businesses to obtain Employer's Liability Compulsory Insurance (ELCI) is enforced by the Health and Safety Executive for Northern Ireland (HSENI).

4. Consultation

4.1 As these Regulations are purely technical in nature a consultation was not necessary.

5. Equality Impact

5.1 The Rule has no equality implications.

6. Regulatory Impact

6.1 An Impact Assessment has not been prepared for this Rule, as there is no impact on business, charities or voluntary bodies.

7. Financial Implications

7.1 The Rule has no effect on business, and there are no cost implications for the Department for the Economy.

8. Section 24 of the NI Act 1998

8.1 The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

9. EU Implications

9.1 None. This Statutory Rule does not implement any European Directives.

10. Parity or Replicatory Measure

10.1 Although Great Britain has equivalent legislation to the 1972 Order and the 1999 Regulations, the amendment to the 1999 Regulations is unique to Northern Ireland, as it involves only those Non-departmental Public Bodies that fall within the remit of Northern Ireland Departments.

11. Additional Information

11.1 Not applicable.

Department for the Economy

22 October 2019