CHAPTER 46.

An Act to apply the provisions of the Life Assurance Companies Acts, 1870 to 1872, to companies carrying on the business of insuring Employers against liability to pay compensation or damages to workmen in their Employment. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Acts.

1.—(1) The provisions of the Life Assurance Companies Acts, 1870 to 1872, relating to life assurance companies established or commencing to carry on the business of life assurance within the United Kingdom after the passing of the Life Assurance Companies Act, 1870, shall apply to every company, whether established before or after the passing of this Act, which carries on within the United Kingdom the business of insuring employers against liability to pay compensation or damages to workmen in their employment, subject to such necessary modifications and adaptations as may be made therein by Order in Council:

33 & 34 Vict. c. 61.

Provided that—

(*a*) those provisions shall not apply—

(i) to any company which carries on such business as aforesaid as incidental only to the business of marine insurance by issuing marine policies, or policies in the form of marine policies covering such liability as aforesaid, as well as marine adventure or adventures analogous thereto; or

(ii) to an association of employers which satisfies the Board of Trade that it is carrying on business wholly or mainly for the purpose of the mutual insurance of its members either against liability to pay compensation or damages to workmen employed by them, or against that liability and against any other risk incident to their trade or industry; or

(iii) to a member of Lloyd's or any other association of underwriters approved by the Board of Trade, provided that he complies with the requirements set forth in the Schedule to this Act; and

(*b*) such of those provisions as relate to deposits shall not apply to any company which has commenced to carry on such business as aforesaid within the United Kingdom before the passing of this Act.

(2) Where money is paid into a county court under the provisions of the Schedule to this Act, the court shall (unless

the court for special reason sees fit to direct otherwise) order the lump sum to be invested or applied, in the purchase of an annuity or otherwise, in such manner that the duration of the benefit thereof may, as far as possible, correspond with the probable duration of the incapacity.

(3) For the purposes of this section the expression "company" means any person or persons, corporate or unincorporate, not being registered under the Acts relating to friendly societies.

(4) In the application of this Act to Scotland the expression "county court" means sheriff court.

Short title and commencement.

2. This Act may be cited as the Employers' Liability Insurance Companies Act, 1907, and shall come into operation on such day as may be specified in an Order in Council under this Act.

Section 1.

SCHEDULE.

REQUIREMENTS TO BE COMPLIED WITH BY UNDERWRITERS.

1. Every underwriter shall deposit and keep deposited in such manner as the Board of Trade may direct a sum of two thousand pounds. The Board of Trade may make rules as to the payment, repayment, investment of, and dealing with a deposit, the payment of interest and dividends from any such investment, and for any other matters in respect of which they may make rules under section one of the Life Assurance Companies Amendment Act, 1872, in relation to deposits made by life assurance companies. The sum so deposited shall, so long as any liability under any policy issued by the underwriter remains unsatisfied, be available solely to meet claims under such policies.

2. Where the person insured by any policy issued by an underwriter is liable to make a weekly payment to any workman during the incapacity of the workman, and the weekly payment has continued for more than six months, the liability therefor shall before the expiration of twelve months from the commencement of the incapacity be redeemed by the payment of a lump sum in accordance with paragraph (17) of the First Schedule to the Workmen's Compensation Act, 1906, and the underwriter shall pay the lump sum into the county court, and shall inform the court that the redemption has been effected in pursuance of the provisions of this Schedule.

3. The underwriter shall furnish every year to the Board of Trade a statement in such form as may be prescribed by the Board showing the extent and character of the employers' liability business effected by him.

4. For the purposes of this Schedule "policy" means a policy insuring any employer against liability to pay compensation or damages to workmen in his employment.