2. AIRMEN

The National Insurance (Airmen) Regulations, 1948

1948 No. 1466

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

M.N.I. 126.

9 & 10 Geo. 6. c. 67.

The Minister of National Insurance, in exercise of powers conferred by sections 8 (1) (*a*), 43 (5), 52 (2) and 58 of the National Insurance Act, 1946, and the National Insurance Joint Authority, in exercise of powers conferred by sections 11 (2) (*a*) (ii) and 29 of that Act, in either case in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations*:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Airmen) 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 Act, 1946;

"the Minister" means the Minister of National Insurance;

"British aircraft" means any aircraft belonging to His Majesty and any aircraft registered in the United Kingdom of which the owner (or managing owner if there is more than one owner) resides or has his principal place of business in Great Britain, and references to the owner of an aircraft shall, in relation to an aircraft that has been hired, be taken as referring to the person for the time being entitled as hirer to possession and control of the aircraft by virtue of the hiring or any subordinate hiring;

"airman" means a person who is or has been employed under a contract of service either as pilot, commander, navigator or member of the crew of any aircraft, or in any other capacity on board any aircraft where—

(*a*) the employment in that other capacity is for the purposes of the aircraft or its crew or of any passengers or cargo or mails carried thereby; and

(*b*) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the aircraft is in flight;

but does not include a person in so far as he is in, or is deemed to be in, employment in the naval, military or air force service of the Crown;

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* In accordance with section 76 (1) of the National Insurance Act, 1946, a draft of regulations 1, 2, 6 and 9 has been approved by each House of Parliament. The necessary Resolutions were passed by the House of Lords on the 28th June, 1948 and by the House of Commons on the 23rd June, 1948.

" employed as aircrew " means employed as pilot, commander, navigator or member of the crew of any aircraft;

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

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations 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.

Insurance of airmen.

2.—(1) Subject to the provisions of paragraph (2) of this regulation, where an airman—

(*a*) is employed as an airman on board any British aircraft; or

(*b*) is employed as aircrew on board any other aircraft and the remuneration in respect of that employment is paid by an employer whose principal place of business is in Great Britain;

then, notwithstanding that he does not fulfil the conditions of section 1 of the Act (which section relates to the description and classification of insured persons), the airman shall be insured under the Act, and his employment shall be treated as an employed contributor's employment(a).

(2) Notwithstanding the provisions of the last preceding paragraph, an airman employed as aircrew who neither is domiciled nor has a place of residence in the United Kingdom shall be excepted from insurance in respect of that employment, but the employer shall, nevertheless, be liable to pay under the Act, in respect of such an airman employed on board a British aircraft, the same contributions as he would otherwise have been liable to pay as employer's contributions in accordance with subsection (2) of section 2 of, and Part II of the First Schedule to, the Act:

Provided that this paragraph shall have effect subject to any Order in Council giving effect to any reciprocal agreement made under section 64 of the Act (which section relates to reciprocal agreements with Dominions, colonies and foreign countries).

Return of contributions paid in respect of non-domiciled airmen employed as aircrew.

3.—(1) Where contributions under the Act are payable in respect of airmen employed as aircrew in accordance with the provisions of paragraph (2) of regulation 2, the owner shall send to the Minister a return showing for the period covered by the return the number of airmen employed as aircrew by him in respect of whom contributions are payable under the said paragraph, and the total amount of the contributions so payable:

Provided that where no such airman has been employed as aircrew, the owner shall make a statement on the return to that effect, and shall send the return to the Minister.

(2) The amount of the contributions payable under the said paragraph (2) shall be paid to the Minister at the same time as the return is made.

(3) Any return under this regulation shall be in such form and shall be made at such times and in such manner as the Minister may from time to time direct.

(a) *See* s. 1 (2) National Insurance Act, 1946.

Removal of disqualification in the case of airmen for receiving benefit whilst absent from Great Britain.

4.—(1) An airman who is or has been employed as aircrew shall not, by reason of his being absent from Great Britain (but subject to the provisions of paragraph (*a*) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(a)), be disqualified on any day for receiving sickness benefit, if, in respect of such day or days, he has been left outside Great Britain—

(*a*) on account of any hurt or injury received, or any illness suffered by him whilst so employed; or

(*b*) for the purpose of preventing infection, and for this purpose he shall be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement on such day or days.

(2) A person who is or has been employed as an airman on board a British aircraft, and is absent from Great Britain on account of such employment, shall not, by reason of such absence, be disqualified for receiving widow's benefit, guardian's allowance or retirement pension.

(3) Where by virtue of this regulation an airman is not disqualified for receiving benefit although absent from Great Britain, he or she shall not be disqualified for receiving any increase (where payable) of any such benefit in respect of his or her spouse by reason of the spouse being absent from Great Britain, provided the spouse is residing with the airman.

Suspension of payment of benefit to airmen whilst absent from Great Britain.

5. The payment to an airman of benefit to which the provisions of the last preceding regulation apply shall, unless the Minister in any particular case otherwise determines, be suspended while he is absent from Great Britain, unless the airman has nominated a person in Great Britain (who is approved by the Minister) to receive payment of the benefit on his behalf.

Extinguishment of right of airmen to receive payment of benefit.

6. Where an airman has failed to obtain payment of benefit within the period of six months specified in the proviso to paragraph (1) of regulation 12 of the National Insurance (Claims and Payments) Regulations, 1948(b), and his failure is due to the fact that he was absent from Great Britain by reason of his employment as an airman, that proviso shall apply to him with the substitution for the said period of six months of such a period as the Minister may, in any particular case, determine.

Evidence of incapacity.

7. For the purpose of any claim to sickness benefit by an airman employed as aircrew, evidence of incapacity may be furnished by such means as the determining authority(c) may accept as sufficient in the circumstances of any particular case.

Breach of regulations.

8. If any person contravenes or fails to comply with any requirement of these regulations in respect of which no special penalty is provided, he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

Application of the Act and regulations.

9. The provisions 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 an airman with this modification, that, where an airman is, on account of his being outside the United Kingdom by

(a) S.I. 1948 No. 1277, p. 2676 below.

(b) S.I. 1948 No. 1041, p. 2709 below.

(c) *See* reg. 2, National Insurance (Determination of Claims and Questions) Regulations, 1948 (S.I. 1948 No. 1144, p. 2720 below).

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.

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.

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

(L.S.) *C. D. Curtis,*
Secretary,
National Insurance Joint Authority.

Wm. Hannan,
R. J. Taylor,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

These regulations modify and amplify the general provisions of the National Insurance Act, 1946, and the regulations made thereunder in their application to persons who are or have been employed under a contract of service on board aircraft (hereafter in this Note referred to as "airmen") and the principal modifications and amplifications are:—(*a*) airmen outside Great Britain are to be insured under that Act, as employed persons (regulation 2 (1)); (*b*) airmen employed as pilots, commanders, navigators or members of crews who neither are domiciled nor have a place of residence in the United Kingdom are excepted from insurance, but their employers will, nevertheless, be liable to pay contributions in respect of them when employed on British aircraft, and to make returns of any such contributions to the Minister (regulations 2 (2) and 3); (*c*) in the case of airmen, the statutory disqualification for the receipt of benefit for periods of absence from Great Britain is removed in certain circumstances (regulation 4), but payment thereof is suspended whilst such an airman is absent from Great Britain unless the Minister otherwise determines or there is an approved nominee (regulation 5); and (*d*) provision is also made, in the case of airmen, for the extension of the normal period after which, if payment has not been obtained, the right to benefit under the Act is extinguished (regulation 6). The remaining provisions are of an incidental or consequential character.