1961 No. 383

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations, 1961

Made - - - -	6*th March*, 1961
Laid before Parliament	10*th March*, 1961
Coming into Operation	13*th March*, 1961

The Industrial Injuries Joint Authority, with the consent of the Treasury, in exercise of powers conferred by Part III of the First Schedule to the National Insurance (Industrial Injuries) Act, 1946(a), and the Minister of Pensions and National Insurance, in exercise of the powers conferred by subsection (1) of section 80 of that Act, and of all other powers enabling them in that behalf, and after reference to the Industrial Injuries Advisory Council, 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, 1961, shall be read as one with the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations, 1948(b) (hereinafter referred to as "the principal regulations") as amended(c), and shall come into operation on the 13th March, 1961.

Insurable Employment

2. The employment specified in the first column of the First Schedule hereto, being employment which, apart from this regulation, would not be insurable under the Act and which is such that it appears to the Minister that—

(*a*) the nature and other circumstances of the service rendered and the work performed therein and in employment which is insurable under the Act are so similar as to result in anomalies in the operation of the Act; and

(*b*) the employment so specified can conveniently be included among the insurable employments;

shall be included among the insurable employments, and accordingly Part I of the Second Schedule to the principal regulations shall be amended by the addition, at the end of the first and second columns thereof, respectively, of the entries specified in the first and second columns of the First Schedule hereto.

(a) 9 & 10 Geo. 6. c. 62. (b) S.I. 1948/1456 (Rev. XVI, p. 423: 1948 I, p. 2985).
(c) S.I. 1950/1468, 1951/2076, 1952/495, 1957/2180 (1950 II, p. 38; 1951 I, p. 1506; 1952 II, p. 2236; 1957 II, p. 1737).

Persons to be treated as employers

3. The Third Schedule to the principal regulations (which Schedule relates to employments in respect of which persons are treated as employers) shall be amended by the addition, at the end of the first and second columns thereof, respectively, of the employment specified in the first column of the Second Schedule hereto, and of the persons specified opposite thereto in the second column of that Schedule.

Amendments relating to certain employment of persons for the purposes of section 16 of the Coal Mines Act, 1911

4. For paragraph 3 of the first column of Part I of the Second Schedule to the principal regulations as amended by the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations, 1951(a) (which paragraph provides that certain employment of persons for the purposes of section 16 of the Coal Mines Act, 1911(b) shall be included among the insurable employments) and for paragraph 5 of the first column of the Third Schedule to the principal regulations as so amended (which paragraph relates to employment in respect of which persons are treated as employers) there shall be substituted the following paragraph :—

"Employment as a person appointed for the purposes of Section 123 (1) of the Mines and Quarries Act, 1954(c) by the workmen employed in a mine or quarry to which that Act applies".

Given under the official seal of the Industrial Injuries Joint Authority this sixth day of March, nineteen hundred and sixty-one.

(L.S.)

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

Given under the official seal of the Minister of Pensions and National Insurance this sixth day of March, nineteen hundred and sixty-one.

(L.S.)

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

We consent.

Dated this sixth day of March, nineteen hundred and sixty-one.

John Hill,
Michael Hughes-Young,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1951/2076 (1951 I, p. 1506). (b) 1 & 2 Geo. 5. c. 50. (c) 2 & 3 Eliz. 2. c. 70.

Regulation 2

FIRST SCHEDULE

Employments which, subject to the exception in the second column of this Schedule, are to be included among the insurable employments.	*Persons in whose case the employments specified in the first column of this Schedule are not to be included among the insurable employments.*
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.

Regulation 3

SECOND SCHEDULE

EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Employments.	*Persons treated as employers.*
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.

EXPLANATORY NOTE

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

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, 1946, the employment of certain persons (usually known as accident site observers) in the inspection of the sites of accidents or dangerous occurrences in a mine or quarry pursuant to a consent given by an Inspector for the purposes of section 120 of the Mines and Quarries Act, 1954; and by prescribing the persons to be treated as the employers of such persons.

In relation to certain other persons whose employment as persons appointed for the purposes of section 16 of the Coal Mines Act, 1911, was, under the provisions of the Regulations of 1948, as amended by the Regulations of 1951, included among the insurable employments, these Regulations provide that references in the Regulations of 1948 to that section shall be replaced by references to section 123 (1) of the Mines and Quarries Act, 1954, for the purposes of which such appointments are now made.