STATUTORY INSTRUMENTS

1971 No. 1729

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1971

Made - - -	*26th October* 1971
Laid before Parliament	*4th November* 1971
Coming into Operation	*29th November* 1971

The Industrial Injuries Joint Authority, with the consent of the Treasury, in exercise of powers conferred by Part III of Schedule 1 to the National Insurance (Industrial Injuries) Act 1965(a), and the Secretary of State for Social Services, in exercise of powers conferred by section 79(1) of that Act, and of all other powers enabling them in that behalf, after reference to the Industrial Injuries Advisory Council in accordance with section 62(2) of that Act, 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 1971, shall be read as one with the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1948(b), as amended (c) (hereinafter referred to as "the principal regulations") and shall come into operation on 29th November 1971.

Amendment of Part I of Schedule 2 to the principal regulations

2. In Part I of Schedule 2 to the principal regulations (which Part sets out in the first column employments which are to be included among the insurable employments; and in the second column the exceptions to which the first column is subject) for paragraph 8 (office staff supplied through third persons) there shall be substituted—

(*a*) in the first column the following:—

"8. Employment, (not being employment which, under the other provisions of these regulations, is included among the insurable employments) in which the person employed renders, or is under an obligation to render, personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including, in the case of a body of persons unincorporate, a body of which the person employed is a member) and—

(a) 1965 c. 52.
(b) S.I. 1948/1456 (Rev. XVI, p. 423: 1948 I, p. 2985).
(c) The relevant amending instrument is S.I. 1970/222 (1970 I, p. 951).

(i) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person ; or

(ii) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed." ; and

(*b*) in the second column the following:—

"8. Any person in employment specified in paragraph 8 of Part I of this Schedule—

(*a*) where the service of the person employed is rendered in his own home or on other premises not under the control or management of the person to whom the person employed is supplied (except where such other premises are premises at which the person employed is required, by reason of the nature of the service, to render service) ; or

(*b*) who is employed as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model ; or

(*c*) in a case where remuneration is not paid by or through, or on the basis of accounts submitted by, that third person—

(i) where the person employed has obtained that employment through a third person as part of that third person's activities in which persons seeking employment are introduced to persons requiring their services ; and

(ii) where as a result of such an introduction the person employed and the person to whom he has been introduced have entered into a contract with each other for the rendering of such service ; and

(iii) where only the person employed and the person to whom he has been introduced have a direct financial interest in the continued employment in that employment of the person employed.".

Amendment of Schedule 3 *to the principal regulations*

3. In Schedule 3 to the principal regulations (which sets out in the second column the persons who are to be treated for the purposes of the National Insurance (Industrial Injuries) Act 1965 as employers of persons employed in employments specified in the first column) for paragraph 9 there shall be substituted—

(*a*) in the first column the following:—

"9. Employment (not being employment which by virtue of paragraph 8 of the second column of Part I of Schedule 2 to these regulations is not included among the insurable employments or an employment to which any other paragraph of this Schedule applies) in which the person employed renders or is under an obligation to render personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person em-

ployed is supplied by or through some third person (including in the case of a body of persons unincorporate, a body of which the person employed is a member) and—

(i) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person; or

(ii) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed."; and

(*b*) in the second column the following:—

"9. (*a*) In England and Wales where the person employed is supplied by or through the agency of a body of persons unincorporate and the person employed is a member of that body, the other members of that body, and in any other case, the third person by whom or through whose agency the person employed is supplied;

(*b*) in Scotland, the third person by whom or through whose agency the person employed is supplied.".

Given under the official seal of the Industrial Injuries Joint Authority.

(L.S.)

D. G. Kelly,
Secretary,
Industrial Injuries Joint Authority.

22nd October 1971.

Signed by authority of the Secretary of State for Social Services.

Paul Dean,
Parliamentary Under Secretary of State,
Department of Health and Social Security.

22nd October 1971.

We consent.

Walter Clegg,
P. L. Hawkins,
Two of the Lords Commissioners of
Her Majesty's Treasury.

26th October 1971.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1948 by providing for the inclusion among the insurable employments certain employments where the persons employed are supplied by or through the agency of a third person and by providing that the third person shall be treated for the purposes of the National Insurance (Industrial Injuries) Act 1965, as the employer of the persons employed. These amendments supersede the provisions relating to office staff supplied through third persons.