SECOND SCHEDULE *Regulation* 3

EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Employments	*Persons treated as employers*
5. Employment as a person appointed for the purposes of section 16 of the Coal Mines Act, 1911(a), by the workmen employed in a mine to which that Act applies.	5 and 6. The person or body from whom the pecuniary remuneration in respect of the employment is received.
6. Employment of a person in pursuance of an Agreement dated the 3rd March, 1941, and made between the Mining Association of Great Britain and the Mineworkers' Federation of Great Britain, as amended by an Agreement dated the 5th December, 1946 (which substituted the National Coal Board and the National Union of Mineworkers respectively as parties thereto)— (*a*) as full-time or part-time inspector of a mine; or (*b*) for the purpose of accompanying any such inspector on the inspection of a mine.	

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 extending insurance under the National Insurance (Industrial Injuries) Act, 1946, to certain persons employed in connection with the inspection of mines, and by prescribing the persons to be treated as the employers of such persons.

The National Insurance (Industrial Injuries) (Mariners) Amendment Regulations, 1951

1951 No. 290

Made - - - - 22*nd February*, 1951
Coming into Operation 8*th March*, 1951

M.N.I./I.I. 128.

The Minister of National Insurance, in exercise of powers conferred by section 77 of the National Insurance (Industrial Injuries) Act, 1946(b), and of all other powers enabling her in that behalf, hereby makes the following regulations* :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Mariners) Amendment Regulations, 1951, shall be read

* In accordance with section 87(1) of the National Insurance (Industrial Injuries) Act, 1946, a draft of these regulations has been approved by each House of Parliament. The necessary Resolutions were passed by the House of Lords on the 15th February, 1951 and by the House of Commons on the 8th February, 1951.

(a) 1 & 2 Geo. 5. c. 50. (b) 9 & 10 Geo. 6. c. 62.

as one with the National Insurance (Industrial Injuries) (Mariners) Regulations, 1948(a) (hereinafter referred to as " the principal regulations ") and shall come into operation on the fourteenth day after the date of this instrument.

Amendment of regulation 2 of the principal regulations

2.—(1) Regulation 2 of the principal regulations (which relates to the insurability of mariners who neither are domiciled nor have a place of residence in the United Kingdom) shall be amended in accordance with the next following paragraph, and shall accordingly have effect as set out in the Schedule to these regulations.

(2) In the said regulation 2—

(*a*) For the proviso to paragraph (2) there shall be substituted the following words:—

" Provided that this paragraph shall not apply to a mariner who is employed as aforesaid—

(i) under a British whaling contract; or

(ii) in employment in respect of which there is in force a certificate of exception issued in accordance with paragraph (2A) of this regulation."

(*b*) After the said paragraph (2) there shall be inserted the following paragraph:—

" (2A) On application being made to him in writing, the Minister may issue a certificate of exception for the purposes of paragraph (2) of this regulation in respect of the employment specified in the certificate, being employment by a specified employer or in a specified ship of a mariner or mariners ordinarily resident in a country included in the Schedule to these regulations, where it appears to the Minister that the circumstances of that employment are such as to ensure adequate provision under the law of any of the countries included in the said Schedule for the payment of benefit or compensation for industrial or similar injuries."

Amendment of Schedule to the principal regulations

3. The Schedule to the principal regulations (which specifies the countries to which regulation 2 (2) (*b*) of those regulations applies) shall be amended by the addition of Malta at the end of the list of countries included therein.

Dated this 22nd day of February, 1951.

Edith Summerskill,
Minister of National Insurance.

SCHEDULE Regulation 2 (1)

REGULATION 2 OF THE PRINCIPAL REGULATIONS AS AMENDED*

Insurability

2.—(1) Subject to the following provisions of this regulation, a mariner who neither is domiciled nor has a place of residence in the United Kingdom shall be excepted from insurance under the Act in respect of his employment as such mariner.

(a) S.I. 1948 (No. 1471) I, p. 2990.

* The amendments made by these regulations are shown in italics.

(2) A mariner shall not be excepted from insurance under the provisions of the foregoing paragraph if—

(*a*) he is employed under contract of service either as master or a member of the crew of any ship to which paragraph 2 of Part I of the First Schedule to the Act (which relates to insurability) applies; and

(*b*) he is ordinarily resident in a country included in the Schedule to these regulations:

Provided that this paragraph shall not apply to a mariner who is employed as aforesaid—

(i) under a British whaling contract; or

(ii) in employment in respect of which there is in force a certificate of exception issued in accordance with paragraph (2A) of this regulation.

(2A) On application being made to him in writing, the Minister may issue a certificate of exception for the purposes of paragraph (2) of this regulation in respect of the employment specified in the certificate, being employment by a specified employer or in a specified ship of a mariner or mariners ordinarily resident in a country included in the Schedule to these regulations, where it appears to the Minister that the circumstances of that employment are such as to ensure adequate provision under the law of any of the countries included in the said Schedule for the payment of benefit or compensation for industrial or similar injuries.

(3) The foregoing provisions of this regulation shall have effect subject to any Order in Council giving effect to any reciprocal agreement made under section 85 of the Act (which section relates to reciprocal agreements with Dominions, colonies and foreign countries).

(4) The subsequent provisions of these regulations shall not apply to a mariner who is excepted from insurance under the provisions of this regulation.

EXPLANATORY NOTE

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

These Regulations amend in two respects the provisions of the National Insurance (Industrial Injuries) (Mariners) Regulations, 1948, with regard to mariners employed as master or member of the crew of a British ship who neither are domiciled nor have a place of residence in the United Kingdom but are ordinarily resident in one of the countries specified in the Schedule to those regulations.

Under the principal regulations such a mariner is not excepted from insurance under the National Insurance (Industrial Injuries) Act, 1946. The present regulations provide for him to be so excepted if it appears to the Minister of National Insurance that the circumstances of the employment are such as to ensure adequate provision, under the law of any of the said countries, for the payment of compensation or benefit for industrial or similar injuries, and the Minister issues a certificate to that effect.

The present regulations also add Malta to the list of countries specified in the Schedule to the principal regulations.