EXPLANATORY NOTE

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

These Regulations make certain amendments to the National Insurance (Industrial Injuries) (Mariners) Regulations, 1948, consequential on the amendment of the provisions relating to mariners in the National Insurance (Industrial Injuries) Act, 1946, which were effected by the National Insurance (Industrial Injuries) Act, 1953. They bring the definition in the Regulations into line with the amended definition in the Act and apply the special provisions relating to payment of benefit in the case of mariners to certain of the mariners newly brought into insurance under the Act. They also deal with the position of persons in the new classes of mariners who are not domiciled in the United Kingdom, but are ordinarily resident in one of the countries listed in the Schedule to the 1948 Regulations.

1954 No. 782

The National Insurance (Industrial Injuries) Mariners (Insurability) Regulations, 1954

Made - - - -	14*th June*, 1954
Laid before Parliament	17*th June*, 1954
Coming into Operation	9*th August*, 1954

The Industrial Injuries Joint Authority, in exercise of powers conferred by the First Schedule to the National Insurance (Industrial Injuries) Act, 1946(a), and the Minister of Pensions and National Insurance, in exercise of powers conferred by subsection (1) of section 80 of that Act, subsection (1) of section 1 of the National Insurance (Industrial Injuries) Act, 1953(b), and by the said First Schedule as amended by the last-mentioned Act, and 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 (Industrial Injuries) Mariners (Insurability) Regulations, 1954, and shall come into operation on the 9th August, 1954.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance (Industrial Injuries) Act, 1946 ;

" the insurable employments Schedule " means Part I of the First Schedule to the Act ;

" manager " and " owner " have, in relation to a ship or vessel, the same meaning as in paragraph 2 of the insurable employments Schedule ;

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

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment.

(4) The Interpretation Act, 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 62. (b) 1 & 2 Eliz. 2. c. 43. (c) 52 & 53 Vict. c. 63.

Insurable employments

2. The insurable employments Schedule shall have effect as if paragraph 2 (which relates to employment in connection with British ships or vessels) included the employments set out in Part I of the First Schedule hereto, and as if paragraph 3 (which relates to employment as a pilot on board a ship or vessel) included the employment set out in Part II of that Schedule.

Person to be treated as employer

3. In relation to any person who is employed as master or a member of the crew of a fishing vessel in any employment which is insurable employment by virtue of regulation 2 of these regulations, the owner (or the managing owner or manager, if there is more than one owner) of the fishing vessel shall, for the purposes of the Act, be treated as that person's employer in that employment.

Radio officers

4. For the purposes of paragraph 2A of the insurable employments Schedule(a) (which paragraph relates to insurability of certain radio officers while not serving on board a ship or vessel), the further condition to be satisfied is either —

(*a*) that the contract to act as radio officer is entered into in the United Kingdom ; or

(*b*) that the person by whom the remuneration in respect of the employment as radio officer is paid has his principal place of business in Great Britain.

Revocation of regulations

5. In consequence of regulations 2 and 3 of these regulations, the regulations set out in the Second Schedule hereto are hereby revoked to the extent mentioned in the third column of that Schedule, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Given under the official seal of the Industrial Injuries Joint Authority this 14th day of June, nineteen hundred and fifty-four.

(L.S.) *T. C. Stephens,*
Industrial Injuries Joint Authority.

Given under the official seal of the Minister of Pensions and National Insurance this 14th day of June, nineteen hundred and fifty-four.

(L.S.) *Osbert Peake,*
Minister of
Pensions and National Insurance.

(a) *Inserted by* section 1 (4), National Insurance (Industrial Injuries) Act, 1953 (1 & 2 Eliz. 2. c. 43).

FIRST SCHEDULE

Regulation 2

PART I

Employments to be included in paragraph 2 of the insurable employments Schedule

1. Employment (other than employment already specified in paragraph 2 of the insurable employments Schedule) in the fishing industry as master or a member of the crew of a fishing vessel, which is manned by more than one person and is a ship or vessel within sub-paragraph (2) of the said paragraph 2 where the person employed is remunerated in respect of that employment in whole or in part by a share in the profits or gross earnings of that fishing vessel and either—

(*a*) during the twelve months immediately preceding the commencement of that employment has, or would but for his being unemployed or incapable of work have, been wholly or mainly engaged in, and derived his livelihood wholly or mainly from, employment in the fishing industry as aforesaid or such employment and any other employment as an employed person within the meaning of the National Insurance Act, 1946(**a**) ; or

(*b*) if unable to satisfy the foregoing condition, may reasonably be expected so to be engaged and to derive his livelihood during the twelve months following the commencement of that employment:

and in determining under this paragraph the commencement of such employment, but for that purpose only, any such employment occurring before the appointed day(**b**) shall be disregarded.

2. Employment under a contract of service either as master or a member of the crew of any ship or vessel (not being a ship or vessel within sub-paragraph (2) of paragraph 2 of the insurable employments Schedule) where the condition set out in the following sub-paragraphs which is applicable in his case is satisfied:—

(1) In a case where the remuneration in respect of the employment is paid by the owner of the ship or vessel—

(*a*) that the owner (or managing owner if there is more than one owner) has a place of business in Great Britain ; and

(*b*) that the person employed either signed the ship's articles in the United Kingdom or entered there into the contract of employment to act as master or member of the crew, whether of a particular ship or vessel of the owner or of such of the ships or vessels of the owner as may be determined in accordance with the contract.

(2) In a case where the remuneration in respect of the employment is paid by some person other than the owner of the ship or vessel, either—

(*a*) that the contract with the person by whom the remuneration is paid is entered into in the United Kingdom and that person has a place of business in Great Britain ; or

(*b*) that that person has his principal place of business in Great Britain.

3. Employment under a contract of service in any other capacity on board any ship or vessel (not being a ship or vessel within sub-paragraph (2) of paragraph 2 of the insurable employments Schedule), where—

(*a*) the employment would be included in that paragraph if the ship or vessel were within sub-paragraph (2) thereof ; and

(*b*) the person by whom the remuneration in respect of the employment is paid has a place of business in Great Britain.

(**a**) *See* section 1 (2) (*a*), National Insurance Act, 1946 (9 & 10 Geo. 6. c. 67).
(**b**) 5th July, 1948. *See* S.I. 1948/54 (Rev. XVI, p. 1: 1948 I, p. 2615).

PART II

Employment to be included in paragraph 3 of the insurable employments Schedule

Employment as a pilot on board any ship or vessel notwithstanding that the person so employed does not hold a licence or deep sea certificate from a pilotage authority in Great Britain covering that employment.

SECOND SCHEDULE

Regulation 5

REGULATIONS REVOKED

Statutory Instrument	Citation	Extent of Revocation
S.I. 1948/1456 (Rev. XVI, p. 423: 1948 I, p. 2985).	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations, 1948.	1. In Part I of the First Schedule, as amended(a), the first and second entries in the first and second columns respectively. 2. In the Third Schedule as amended, paragraph 4(b).
S.I. 1949/1390 (1949 I, p. 2763).	The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations, 1949.	The whole of the regulations.

EXPLANATORY NOTE

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

These Regulations extend insurance under the National Insurance (Industrial Injuries) Act, 1946, to certain seamen and other persons employed on board foreign ships, and specify the condition to be satisfied by British radio officers for their employment to be included as insurable employment under that Act during periods when they are not serving on board a ship.

They also revoke and re-enact those provisions of the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations, 1948, as amended, which relate to the insurability under the Act of share fishermen and uncertificated pilots.

(a) *See* regulation 2, S.I. 1949/1390 (1949 I, p. 2763).
(b) *Inserted by* regulation 3, S.I. 1949/1390 (1949 I, p. 2763).