EXPLANATORY NOTE

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

These Regulations, which are made in consequence of the passing of the National Insurance Act, 1951, increase the rates of benefit payable under regulations made under the National Insurance Act, 1946, in order to bring them into conformity with the higher rates of benefits payable directly under that Act by virtue of the Act of 1951. The Regulations also prescribe the conditions under which persons who have retired from regular employment may elect, for the purposes of that Act, to be treated as if they had not retired. Provision is also made for counting certain contributions paid before the 16th July, 1951, as if paid, for the purposes of increased pension increments, for weeks commencing on or after that day, for determining the basis on which the earnings rule shall be relaxed in the case of a widowed mother's allowance where the rate thereof is less than the full weekly rate, and for dispensing in certain cases with claims in respect of benefit arising under the Act of 1951. Special provision is also made in the case of persons not residing in Great Britain. The remaining provisions are of a minor or consequential character.

The National Insurance (Mariners) Amendment Regulations, 1951

1951 No. 1411

Made - - - - 2*nd August*, 1951
Coming into Operation 16*th August*, 1951

M.N.I. 205.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 58 of the National Insurance Act, 1946(a), 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 (Mariners) Amendment Regulations, 1951, shall be read as one with the National Insurance (Mariners) Regulations, 1948(b), as amended(c) (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 shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in the Schedule hereto.

(2) The following sub-paragraph shall be substituted for sub-paragraph (*b*) of paragraph (2) of the said regulation 2:—

" (*b*) being a foreign-going ship, but not being a ship engaged in regular trade on foreign stations, the same contributions as he would otherwise

* In accordance with section 76(1) of the National Insurance 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 30th July, 1951, and by the House of Commons on 26th July, 1951.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948 (No. 1467) I, p. 2785.
(c) S.I. 1949 (No. 301) I, p. 2726.

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, subject to the qualification that any such contribution shall be reduced—

(i) by one shilling and sixpence in the case of men over the age of eighteen;

(ii) by one shilling and twopence in the case of women over the age of eighteen;

(iii) by elevenpence in the case of boys under the age of eighteen; and

(iv) by eightpence in the case of girls under the age of eighteen."

Revocation of the Schedule to the principal regulations

3. The Schedule to the principal regulations is hereby revoked, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Dated this 31st day of July, 1951.

Edith Summerskill,
Minister of National Insurance.

Dated this 2nd day of August, 1951.

Wm. Hannan,
H. W. Bowden,
Two of the Lords Commissioners of His Majesty's Treasury.

SCHEDULE

REGULATION 2 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Insurance of Mariners

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

(*a*) is employed as a mariner on board any British ship; or

(*b*) is employed as master or a member of the crew of any ship or vessel other than a British ship and—

(i) the contract in respect of the employment is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on her voyage; and

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

(*c*) is a radio officer employed on board any ship or vessel, not being a mariner to whom sub-paragraph (*a*) or (*b*) of this paragraph applies;

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 mariner shall be insured under the Act and his employment shall be treated as an employed contributor's employment(a):

Provided that this paragraph, in so far as it treats employment as being an employed contributor's employment, shall not apply in respect of the employment of a person as a share fisherman not under contract of service unless that person 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 as a share fisherman or such employment and any other employment as an employed person; or

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

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

(*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 proviso the commencement of such employment, but for that purpose only, any such employment occurring before the appointed day(a) shall be disregarded.

(2) Notwithstanding the provisions of the last preceding paragraph, a mariner employed as master or a member of the crew of any ship or vessel, 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 any such mariner employed on board a British ship—

(*a*) being a home-trade ship, 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; and

(*b*) *being a foreign-going ship, but not being a ship engaged in regular trade on foreign stations, 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, subject to the qualification that any such contribution shall be reduced—*

(i) *by one shilling and sixpence in the case of men over the age of eighteen;*
(ii) *by one shilling and twopence in the case of women over the age of eighteen;*
(iii) *by elevenpence in the case of boys under the age of eighteen; and*
(iv) *by eightpence in the case of girls under the age of eighteen:*

Provided that—

(*a*) 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); and

(*b*) the employer of any such mariner who is employed under a British whaling contract shall not be liable to pay any contributions in respect of him.

(3) Where a radio officer to whom sub-paragraph (*c*) of paragraph (1) of this regulation applies is paid remuneration in respect of that employment by some person other than the owner of the ship or vessel, that other person shall, if he has a place of business in Great Britain, be treated as the employer of that radio officer.

(4) In this regulation, the expression "radio officer" means an insured person who is a mariner employed as a member of the crew of any ship or vessel in connection with the radio apparatus of that ship or vessel, and holding a certificate of proficiency in radio telegraphy granted by the Postmaster General or by an authority empowered in that behalf by the legislature of some part of His Majesty's dominions and recognised by the Postmaster General as equivalent to the like certificate granted by him.

EXPLANATORY NOTE

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

These Regulations provide for increasing the rates of employers' contributions payable by employers in respect of mariners employed on foreign-going British ships who are not domiciled and have no place of residence in the United Kingdom so as to bring those rates into conformity with the permanent rates of contributions which become payable under the National Insurance Act, 1946, on 1st October, 1951.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 11th July, 1951, is contained in the House of Commons Paper No. 226 published by His Majesty's Stationery Office.

(a) 5th July, 1948. *See* S.I. 1948 (No. 54) I, p. 2615.