1953 No. 624

The National Insurance (Mariners) Amendment Regulations, 1953

Made - - - - 9*th April*, 1953

Coming into Operation 23*rd April*, 1953

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 him 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, 1953, 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 First 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, contributions equal to three-fifths of the contributions which 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 where any such contribution would, apart from this provision, include a fraction of a penny, that fraction shall be disregarded if it is less than a halfpenny and shall be treated as a penny if it is a halfpenny or more ; ".

Amendment of regulation 6 of the principal regulations

3.—(1) Regulation 6 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 Second Schedule hereto.

(2) At the beginning of paragraph (2) of the said regulation 6 there shall be inserted before the words " The amount " the words:—

" (2) Subject to the provisions of the next following paragraph,".

(3) Immediately after paragraph (2) of the said regulation 6 there shall be inserted the following paragraph:—

" (3) Where an employer has paid contributions in accordance with the provisions of sub-paragraph (*b*) of the said paragraph (2) of regulation 2

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/1467; Rev. XVI, p. 112; 1948 I, p. 2785.
(c) S.I. 1949/301; 1951/1411: 1949 I, p. 2726; 1951 I, p. 1488.

and has also paid compulsory contributions for the same period in respect of the same mariner under the legislation relating to social insurance of a country other than Great Britain, the Minister, if application to that effect is made to him in writing, may, at his discretion, refund to the employer an amount not exceeding the sum paid by way of contributions under the legislation of that country or the sum paid by way of contributions under the said sub-paragraph (*b*), whichever is the less."

Dated this 2nd day of April, 1953.

Osbert Peake,
Minister of National Insurance.

Dated this 9th day of April, 1953.

Edward Heath,
Herbert Butcher,
Two of the Lords Commissioners of Her Majesty's Treasury.

FIRST 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

(*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 ;

* The amendments made by these regulations are shown in italics.
(a) *See* s. 1 (2), National Insurance Act, 1946.

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, contributions equal to three-fifths of the contributions which 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 where any such contribution would, apart from this provision, include a fraction of a penny, that fraction shall be disregarded if it is less than a halfpenny and shall be treated as a penny if it is a halfpenny or more:*

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 Her Majesty's dominions and recognised by the Postmaster General as equivalent to the like certificate granted by him.

Regulation 3

SECOND SCHEDULE

Regulation 6 of the Principal Regulations, as Amended*

Administration and application of contributions paid in respect of non-domiciled mariners employed as masters or members of the crews of British ships

6.—(1) The contributions payable by virtue of paragraph (2) of regulation 2 shall be carried by the Minister to a separate account, and the provisions of the Act and the regulations and orders made thereunder in relation to the National Insurance Fund shall be construed accordingly.

(a) 5th July, 1948. *See* S.I. 1948/54; Rev. XVI, p. 1; 1948 I, p. 2615.

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

(2) *Subject to the provisions of the next following paragraph,* the amount of such contributions shall be applied, after allowing for the expenses of collection thereof,—

(*a*) to the formation of a reserve of such sum as the Minister shall from time to time determine for the purpose of meeting any liabilities which may arise by virtue of any Order in Council giving effect to any reciprocal agreement made under section 64 of the Act; and

(*b*) as to the residue thereof, for the purposes of The Merchant Navy Welfare Board (being a company registered under the Companies Acts, 1929 to 1947) and the Seamen's Special Fund (incorporated by Royal Charter under the name of the Royal Seamen's Pension Fund), in such proportions as the Minister shall from time to time direct.

(3) *Where an employer has paid contributions in accordance with the provisions of sub-paragraph (b) of the said paragraph (2) of regulation 2 and has also paid compulsory contributions for the same period in respect of the same mariner under the legislation relating to social insurance of a country other than Great Britain, the Minister, if application to that effect is made to him in writing, may, at his discretion, refund to the employer an amount not exceeding the sum paid by way of contributions under the legislation of that country or the sum paid by way of contributions under the said sub-paragraph (b), whichever is the less.*

EXPLANATORY NOTE

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

These Regulations provide that 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 shall be three-fifths of the rates of contributions payable in respect of other mariners. They also empower the Minister to refund to the employer an amount not exceeding the amount of such contributions paid by him in certain cases, where the employer has been obliged to pay compulsory contributions in respect of the same mariner for the same period under the legislation of a country other than Great Britain.

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 21st January, 1953, is contained in House of Commons Paper No. 86 (Session 1952-3) published by Her Majesty's Stationery Office.