1959 No. 759

The National Insurance (Mariners) Amendment Regulations, 1959

Laid before Parliament in draft

Made - - - -	*22nd April*, 1959
Coming into Operation	*27th April*, 1959

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Minister of Pensions and 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, 1959, 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 27th April, 1959.

Amendment of regulation 1 *of the principal regulations*

2.—(1) In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation), the definition of " ship engaged in regular trade on foreign stations " shall be omitted.

(2) In the said paragraph (2) after the definition of " home-trade ship ", the following definition shall be inserted:—

" ' home-trade port ' means any port situate within the limits specified in paragraph (*a*) of the definition of home-trade ship ; ".

(3) In the said paragraph (2) for the definition of " foreign-going ship ", there shall be substituted:—

" ' foreign-going ship ' means any ship or vessel which is not a home-trade ship ; ".

(4) In the said paragraph (2), after the definition of " foreign-going ship ", the following definition shall be inserted:—

" ' passenger ' and ' passenger ship ' shall have the same meanings as are respectively assigned to ' passenger ' and ' passenger steamer ' in the Merchant Shipping (Safety Convention) Act, 1949(d) ; ".

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/1467 (Rev. XVI, p. 112: 1948 I, p. 2785).
(c) The relevant amending regulations are S.I. 1949/301, 1951/1411, 1953/624, 1957/2243 (1949 I, p. 2726 ; 1951 I, p. 1488 ; 1953 I, p. 1377 ; 1957 I, p. 1679).
(d) 12, 13 & 14 Geo. 6. c. 43.

Amendment of regulation 2 of the principal regulations

3.—(1) Paragraph (2) of Regulation 2 of the principal regulations (which provides for the insurance of mariners) 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) In sub-paragraph (*b*) of paragraph (2) of the said regulation 2 for the words " but not being a ship engaged in regular trade on foreign stations," there shall be substituted:—

" which—

(i) is at a home-trade port, or

(ii) is sailing directly between two home-trade ports, or

(iii) is carrying passengers to or from a home-trade port and is a passenger ship, or

(iv) is carrying cargo to or from a home-trade port, or

(v) is sailing in ballast on a ballast voyage which begins or ends at a home-trade port, or

(vi) is engaged in the fishing industry, or

(vii) is not included in heads (i) to (vi) above but is sailing directly to or directly from a home-trade port,".

(3) At the end of the proviso to the said paragraph (2) the following words shall be inserted:—

" and

(*c*) for the purposes of heads (iii) and (iv) of sub-paragraph (*b*) of this paragraph, carrying shall be deemed to begin when the embarkation of passengers or the loading of cargo, as the case may be, begins and shall be deemed to end when disembarkation or unloading, as the case may be, has been completed.".

Dated this twenty-first day of April, 1959.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Dated this twenty-second day of April, 1959.

Martin Redmayne,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE Regulation 3

PARAGRAPH (2) OF REGULATION 2 OF THE PRINCIPAL REGULATIONS AS AMENDED *

(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—

* The words added or substituted by these regulations are shown in italics.

(*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 *which*—

(i) *is at a home-trade port, or*

(ii) *is sailing directly between two home-trade ports, or*

(iii) *is carrying passengers to or from a home-trade port and is a passenger ship, or*

(iv) *is carrying cargo to or from a home-trade port, or*

(v) *is sailing in ballast on a ballast voyage which begins or ends at a home-trade port, or*

(vi) *is engaged in the fishing industry, or*

(vii) *is not included in heads (i) to (vi) above but is sailing directly to or directly from a home-trade port,*

contributions equal to one-half 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; *and*

(*c*) *for the purposes of heads (iii) and (iv) of sub-paragraph (b) of this paragraph, carrying shall be deemed to begin when the embarkation of passengers or the loading of cargo, as the case may be, begins and shall be deemed to end when disembarkation or unloading, as the case may be, has been completed.*

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Mariners) Regulations, 1948. They alter the provisions regarding liability to pay the reduced employer's contributions which are payable in respect of mariners who are neither resident nor domiciled in the United Kingdom and who are employed as masters or members of crews of foreign-going ships.

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 March, 1959, is contained in House of Commons Paper No. 121 (Session 1958-59) published by Her Majesty's Stationery Office.