EXPLANATORY NOTE

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

This Order amends the Control of Borrowing Order, 1947. Under the principal Order, as amended, issues of redeemable shares or other redeemable securities might lawfully be made without the consent of the Ministry of Finance if the total nominal value of such issues together with the value of all previous transactions carried out by the same person in the previous twelve months did not exceed £50,000. This Order makes it unlawful without the consent of the Ministry of Finance to issue any redeemable shares or other redeemable securities of which the purpose or effect is to capitalise profits or reserves.

1959. No. 66 **[C]**

NATIONAL INSURANCE

Mariners

REGULATIONS, DATED 24TH APRIL, 1959, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 55 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it 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 (Northern Ireland), 1959, shall be read as one with the National Insurance (Mariners) Regulations (Northern Ireland), 1948(b) (hereinafter referred to as "the principal regulations") and shall come into operation on the 27th day of 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;".

(a) 1946. c. 23.
(b) S.R. & O. (N.I.) 1948. No. 236 as amended by S.R. & O. (N.I.) 1949. No. 50; S.R. & O. (N.I.) 1951. No. 174; S.R. & O. (N.I.) 1953. No. 72; S.R. & O. (N.I.) 1958. No. 10; S.R. & O. (N.I.) 1958. No. 132.

(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(a);".

Amendment of regulation 2 of the principal regulations

3.—(1) Regulation 2 of the principal regulations (which provides for the insurance of mariners) shall be amended in accordance with the following provisions, and shall accordingly have effect as set out in the Schedule.

(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

(iii) 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."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 24th day of April, nineteen hundred and fifty-nine.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 24th day of April, nineteen hundred and fifty-nine.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

(a) 12, 13 & 14 Geo. 6. c. 43.

SCHEDULE Regulation 3

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 Northern Ireland;

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;

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

(**a**) See S. 1(2) National Insurance Act (Northern Ireland), 1946.
(**b**) 5th July, 1948. See S.R. & O. (N.I.) 1948, No. 32.

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