STATUTORY INSTRUMENTS

1967 No. 386

SOCIAL SECURITY

The National Insurance (Mariners) Regulations 1967

Made - - - -	13*th March* 1967
Laid before Parliament	22*nd March* 1967
Coming into Operation	23*rd March* 1967

The Minister of Social Security, in exercise of powers conferred by sections 14(1)(*a*), 16(1), 22(4), 49, 75(2), 93(2) and 100 of the National Insurance Act 1965(**a**) and the National Insurance Joint Authority, in exercise of powers conferred by section 20 of that Act, in either case in conjunction with the Treasury, so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf and for the purpose only of consolidating the regulations hereby revoked, hereby make the following regulations.

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Mariners) Regulations 1967 and shall come into operation on 23rd March 1967.

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

" the Act " means the National Insurance Act 1965;

" the Minister " means the Minister of Social Security;

" mariner " means a person who is or has been employed under a contract of service either as master or a member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where—

(*a*) the employment in that other capacity is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereby;
and

(*b*) the contract 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 includes a share fisherman but does not include a person in so far as he is in, or is deemed to be in, employment in the naval, military or air force service of the Crown;

(**a**) 1965 c. 51.

" share fisherman " means any person who is or has been employed in the fishing industry, whether or not under a contract of service, as master or a member of the crew of any ship or vessel, being a fishing vessel manned by more than one person and remunerated in respect of that employment in whole or in part by a share in the profits or gross earnings of the fishing vessel; and the expression " the fishing vessel " means that fishing vessel of which the person is master or a member of the crew;

" manager " means, in relation to any ship or vessel, the ship's husband or other person to whom the management of the ship or vessel is entrusted by or on behalf of the owner; and references to the owner of a ship or vessel shall, in relation to a ship or vessel which has been demised, be construed as referring to the person for the time being entitled as charterer to possession and control of the ship or vessel, by virtue of the demise or any sub-demise;

" British ship " means all those ships and vessels to which Schedule 1, Part I, paragraph 2(2) of the National Insurance (Industrial Injuries) Act 1965(a) applies;

" home-trade ship " includes—

(*a*) every ship or vessel employed in trading or going within the following limits, that is to say, the United Kingdom (including for this purpose the Republic of Ireland), the Channel Islands, the Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

(*b*) every fishing vessel not proceeding beyond the following limits:—

on the South, Latitude 48° 30′ N.;

on the West, Longitude 12° W.;

on the North, Latitude 61° N.;

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

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

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

and, subject as aforesaid, expressions to which meanings are assigned in the Merchant Shipping Acts 1894 to 1965 have the same meanings as in those Acts; and other expressions have the same meanings as in the Act.

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

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply in relation to this instrument and to the revocations effected by it as if this instrument and the regulations revoked by it were Acts of Parliament, and as if each revocation were a repeal.

(a) 1965 c. 52. (b) 1949 c. 43. (c) 1889 c. 63.

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:

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 5th July 1948 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 section 3(*b*) of, and Part II of Schedule 1 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 section 3(*b*) of, and Part II of Schedule 1 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 105 of the Act (reciprocal agreements with the government of any country outside the United Kingdom);

(*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 pa agraph, 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.

(3) Where a radio officer to whom paragraph (1)(*c*) 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 the Commonwealth or of the Republic of Ireland and recognised by the Postmaster General as equivalent to the like certificate granted by him.

(5) Where—

(*a*) in relation to a mariner employed in an employment as master or a member of the crew of a ship or vessel, not being a ship or vessel used wholly or mainly for the disposal of sludge, the provisions of paragraph (1)(*a*), (*b*) or (*c*) of this regulation are satisfied, and he is not excepted from insurance in respect of that employment by virtue of paragraph (2) of this regulation, and

(*b*) upon the termination of a voyage ending during the period of that employment, he is entitled to a day or days of leave on pay, and

(*c*) that employment is terminated before the end of the period of leave on pay,

the mariner shall be treated as if that employment continued throughout the period (hereafter in this paragraph referred to as " the said period ") from the termination of that employment to the end of the period of leave on pay; and accordingly the mariner, if he would otherwise have ceased to be insured under the Act, shall continue to be so insured throughout the said period, and the

employer who was the mariner's employer in that employment shall be treated, for the purposes of the provisions of the Act relating to contributions, as his employer throughout the said period.

(6) In the foregoing paragraph and in the following provisions of these regulations, a " period of leave on pay " means, in relation to a mariner who, upon the termination of a voyage, is entitled to a day or days of leave on pay, a period immediately following the day on which that termination occurs and equal in length to the period of that leave.

Contributions of mariners employed as masters or members of the crews of home-trade ships

3. In the case of a mariner employed as master or a member of the crew of a home-trade ship, the following provisions shall apply:—

(1) Where the ship is at any time at sea or at a port outside Great Britain on the date when an insurance card (a) would, but for this regulation, cease to be current, that insurance card shall remain current—

(*a*) if the engagement is due to terminate in Great Britain, until the termination of the engagement; and

(*b*) if the engagement is due to terminate outside Great Britain, until the return of the mariner to Great Britain.

(2) Where the ship is at any time at sea or at a port outside Great Britain, the employer shall not be required to affix stamps to the insurance card of the mariner in respect of contributions payable under the Act unless he then pays wages or other pecuniary remuneration in respect of the period for which contributions are payable, or the employment terminates during that time.

(3) Every employer shall apply to the appropriate superintendent (b) or consular officer (b) for a sufficient number of emergency cards (c) for use in connection with his ships, and such emergency cards shall be used where, but only where—

(*a*) the mariner has been unable for any reason to obtain an insurance card before joining the ship; or

(*b*) all the appropriate spaces on the insurance card have been filled by the affixing of stamps.

(4) Where the employer does not pay wages or other pecuniary remuneration in respect of the employment of the mariner, he shall affix stamps to the insurance card of that mariner before the termination of the voyage or the termination of the agreement, whichever happens first, and shall not be bound to affix stamps on the first day of employment in each week.

(5) Where the mariner is left behind on shore in any place outside Great Britain by reason of his unfitness or inability to proceed to sea, the employer shall, as soon as may be, deliver his insurance card duly stamped to the Minister if the mariner is left in any part of the Commonwealth or in the Republic of Ireland, or, if he is left elsewhere, to the appropriate consular officer.

(a) *See* reg. 1, National Insurance and Industrial Injuries (Collection of Contributions) Regulations 1948 (S.I. 1948/1274; Rev. XVI, p. 148: 1948 I, p. 3037).

(b) *See* Merchant Shipping Act 1894, s. 742 (1894 c. 60).

(c) *See* reg. 5, National Insurance and Industrial Injuries (Collection of Contributions) Regulations 1948 (S.I. 1948/1274; Rev. XVI, p. 148: 1948 I p. 3037).

(6) In the event of the mariner deserting the ship, or dying during the period of his engagement, or being left behind on shore in any place outside Great Britain for any reason other than his unfitness or inability to proceed to sea, the employer shall deliver his insurance card duly stamped to the appropriate superintendent or consular officer on the termination of the voyage or when the ship first returns to a port in the United Kingdom, whichever is the earlier.

(7) In any case where, for any reason other than the loss or destruction of the insurance card, the card cannot be delivered in accordance with either of the last two preceding paragraphs, the employer shall, as soon as may be, deliver it to the Minister.

Returns of contributions paid in respect of non-domiciled mariners employed as masters or members of the crews of home-trade ships

4.—(1) Where contributions under the Act are payable in respect of any mariner employed as master or a member of the crew of a home-trade ship in accordance with the provisions of regulation 2(2)(*a*), the owner or manager shall, subject to the provisions of paragraph (3) of this regulation, send to the Minister a return showing, in respect of such ship for the whole period of any voyage or voyages terminating during the period covered by the return, the number of such mariners so employed on board the ship in respect of whom contributions are payable under the said regulation 2(2)(*a*) and the total amount of the contributions so payable:

Provided that for the purposes of this regulation the voyage of such a ship to which section 116(4) or section 403(1) of the Merchant Shipping Act 1894 (agreements with crews of home-trade ships) applies shall be deemed to terminate as at the date of the termination of the agreement with the crew thereof in accordance with the provisions of the appropriate subsection.

(2) The amount of the contributions payable under the said regulation 2(2)(*a*) shall be paid to the Minister at the same time as the return is made.

(3) In the case of a home-trade ship on board which no mariner to whom the said regulation 2(2)(*a*) applies has been employed, or which has not completed a voyage during the period covered by the return, the owner or manager of the ship shall make a statement on the said return to that effect, and shall send the return to the Minister:

Provided that nothing herein contained shall require a return to be sent to the Minister in the case of a home-trade ship which either is such a ship employed solely in harbours, or on short excursions or pleasure trips to sea, or is a tug boat, hulk, dredger or steam hopper, and on board which there is not employed any mariner to whom the said regulation 2(2)(*a*) applies.

(4) Any return under this regulation shall be in such form and shall be made at such times and in such manner as the Minister may from time to time direct.

Contributions of mariners employed as masters or members of the crews of any ships or vessels other than home-trade ships

5.—(1) In the case of a mariner employed as master or a member of the crew of any ship or vessel other than a home-trade ship, including a mariner so employed who, by virtue of the provisions of regulation 2(5), is treated as if his employment as such continued until the end of a period of leave on pay, the weekly rate of the employer's contributions payable in respect of him in accordance with section 3(*b*) of, and Part II of Schedule 1 to, the Act, shall be reduced—

(*a*) by one shilling and a penny, in the case of men and women over the age of eighteen; and

(*b*) by sevenpence-halfpenny, in the case of boys and girls under the age of eighteen.

(2) In the case of every voyage of a ship or vessel other than a home-trade ship, contributions shall be paid in such manner as the Minister may from time to time direct, and, in default of any such direction, the employer shall—

(*a*) prepare a schedule showing the number of contributions payable in respect of all such mariners employed on board any such ship or vessel at any time during the voyage, including the number of contributions (if any) payable by virtue of regulation 2(2)(*b*) or of regulation 2(5);

(*b*) furnish such particulars as the Minister may require in respect of every such mariner on a separate form (hereafter in this regulation called a " voyage card ");

(*c*) deliver the schedule and voyage cards to the appropriate superintendent or consular officer, or, in the case of fishing vessels, to the Minister, within seven clear days after the termination of the voyage, and at the same time pay to him the total amount of the contributions shown on the schedule:

Provided that where the agreement with the crew is a running agreement within the meaning of section 115(5) or section 403(1) of the Merchant Shipping Act 1894 the voyage shall be deemed to commence and terminate at the dates of the commencement and termination of the agreement respectively, so, however, that, on every return to a port in the United Kingdom before the final termination of the agreement, the employer shall deliver, in the case of fishing vessels, to the Minister, and, in any other case, to the appropriate superintendent, a schedule and the appropriate voyage cards, together with the amount of the contributions due—

(*a*) within seven clear days of such return, in respect of any such mariners who have been discharged during the absence of the ship or vessel from the United Kingdom, or before the date of such delivery; and

(*b*) before the ship or vessel leaves port, in respect of any such mariners who have been discharged since the date of such delivery.

(3) The schedule and voyage cards shall be in such form as may from time to time be approved by the Minister, and shall be supplied to an employer without charge.

(4) Contributions paid by reference to a schedule and voyage card shall be treated as having been paid week by week in the course of the period in respect of which they were paid.

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 regulation 2(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.

(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 105 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 regulation 2(2)(*b*) 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 regulation 2(2)(*b*), whichever is the less.

Contributions paid for weeks of double employment

7.—(1) The following provisions of this regulation apply to a mariner as respects any period of leave on pay (hereafter in this regulation referred to as " the period ").

(2) If, in any contribution week falling wholly or partly in the period, he is (apart from his being employed, or treated as employed, in continuation of his employment on the voyage to which the period relates) employed in an employed contributor's employment (hereafter in this regulation referred to as " the new employment "), he and his employer in the new employment shall be entitled (but not liable) to pay a contribution as an employed person and an employer's contribution respectively for that week, if they would have been respectively liable to pay such contributions had he not been employed, or treated as employed, in continuation of his employment on the voyage until the end of the period.

(3) If, by virtue of the foregoing provisions of this regulation, a contribution as an employed person is paid in respect of the new employment for a contribution week falling wholly or partly in the period (which contribution week is hereafter in this regulation referred to as " the week of double employment"), it shall, except for the purpose of the application of the provisions of the next following paragraph, be treated as not having been paid for that week; but, if and when—

(*a*) such a contribution has been so paid, and

(*b*) the mariner is liable or entitled to pay a contribution as a non-employed person for a contribution week, or for each of two or more contribution weeks, in the period of three consecutive contribution years beginning with the contribution year which includes the week of double employment,

the contributions so paid—

(i) shall so be applied as to terminate the mariner's liability or entitlement to pay a contribution for, and shall be treated as a contribution as an employed person properly paid by the mariner for, that contribution week or, if more than one, for the earlier or earliest of them; but

(ii) shall not be taken into account for the purpose either of any right to benefit for any period before the day on which it was paid or of the

application of the provisions of section 31(1) of the Act, which subsection provides for increasing a retirement pension by reference to contributions paid by the beneficiary in respect of the period after his attaining pensionable age.

(4) If—

(*a*) by virtue of the foregoing provisions of this regulation, a contribution as an employed person is paid in respect of the new employment for the week of double employment, and

(*b*) during the period of three consecutive contribution years mentioned in the last foregoing paragraph, that contribution does not fall to be applied in accordance with sub-paragraph (i) of that paragraph,

then, in its application in relation to that contribution, regulation 18 of the National Insurance (Contributions) Regulations 1948(a), (contributions paid in error) shall have effect as if that contribution had been paid under the erroneous belief that it was payable and as if it had been paid and payable on the last day of that period.

Duty of master

8. It shall be the duty of the master of every ship or vessel to comply with all orders or directions given to him by the owner or manager of the ship or vessel with a view to the carrying into effect of the provisions of the Act and of these or any other relevant regulations made thereunder.

Information to be furnished by mariners on claims for benefit

9. Upon making any claim for benefit, any mariner who is or has been employed as master or a member of the crew of any ship or vessel shall, if so required, furnish to the Minister the number of his continuous discharge book and particulars of the ships and vessels on board which he was employed during any period material to the claim.

Removal of disqualification for receiving benefit by reason of absence from Great Britain

10. Any person, who is or has been employed as master or a member of the crew of any ship or vessel or who is or has been under contract to travel at his employer's expense for the purpose of commencing such employment, shall not, by reason of his being absent from Great Britain (but subject to the provisions of regulation 10(1)(*a*) of the National Insurance (Unemployment and Sickness Benefit) Regulations 1948(b), be disqualified on any day for receiving—

(*a*) sickness benefit, if

(i) on account of any hurt or injury received, or any illness suffered, by him while so employed or under contract so to travel; or

(ii) in consequence of any action taken, while he is or was so employed or under contract so to travel, for the purpose of preventing infection;

he has been left outside Great Britain or has been discharged or has not commenced such employment; or

(*b*) unemployment or sickness benefit, if, while so employed or under contract so to travel, he has been left outside Great Britain for any reasons other than those specified in sub-paragraphs (i) and (ii) of paragraph (*a*) of this regulation, and reports to the appropriate superin-

(a) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(b) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).

tendent or consular officer or chief officer of customs not later than fourteen days after being so left, or, if, at the time of being so left, he was placed in custody, immediately after his release from custody:

Provided that this regulation shall cease to have effect—

(*a*) on that person's commencing or resuming employment outside Great Britain; or

(*b*) in any case where that person does not return to a proper return port without undue delay, on his return being so delayed; or

(*c*) in any other case, on his return to a proper return port.

Modification of contribution conditions for receiving benefit in certain circumstances, in respect of mariners employed as masters or members of crews of foreign-going ships

11. Where, on a claim for benefit by a mariner or by virtue of his insurance, the contribution condition contained in paragraph 1(*b*) or paragraph 2(1)(*b*) of Schedule 2 to the Act, as the case may be, cannot be satisfied, by reason of the fact that, having regard to the provisions of regulation 5(2), contributions which are to be paid by reference to a schedule and voyage card in respect of that mariner have not been paid at the end of the relevant contribution year, then, if that claim is made in respect of a period up to the expiration of the sixth week after the end of the contribution week in which the appropriate schedule and voyage card are received by the Minister (but for the purpose only of satisfying such contribution condition) the claim may be treated as if it were made in respect of a day of unemployment or incapacity for work, or a confinement, occurring immediately before the commencement of the relevant voyage, and such contribution condition shall be construed accordingly:

Provided that, upon the said schedule and voyage card being so received, the Minister may review his decision under section 66(1) of the Act.

Extinguishment of right of mariners to receive payment of benefit

12. Where a mariner has failed to obtain payment of benefit within the period of six months specified in regulation 12(1) of the National Insurance (Claims and Payments) Regulations 1948(a), as amended (b), and his failure is due to the fact that he was absent from Great Britain by reason of his employment as a mariner, that paragraph shall apply to him with the substitution for the said period of six months of such a period as the Minister may, in any particular case, determine.

Evidence of unemployment or incapacity

13.—(1) For the purpose of any claim to unemployment or sickness benefit by a mariner employed as master or a member of the crew of any ship or vessel, evidence may be taken—

(*a*) in any part of the Commonwealth or the Republic of Ireland, before a judge or magistrate, or by a superintendent;

(*b*) in a foreign country, by a British consular officer.

(2) For the purpose of any claim to sickness benefit by such a mariner, evidence of incapacity may be furnished by such means as the determining authority (c) may accept as sufficient in the circumstances of any particular case.

(a) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).
(b) The relevant amending regulations are S.I. 1952/1207, 1957/578, 1961/557 (1952 II, p. 2122; 1957 I, p. 1516; 1961 p. 1228).
(c) *See* section 67 of the Act.

Special provisions relating to days of unemployment or incapacity for work in the case of mariners employed as masters or members of the crews of any ships or vessels

14.—(1) A mariner employed as master or a member of the crew of any crew of any ship or vessel shall—

(*a*) notwithstanding that he is absent from Great Britain, be deemed to be available for employment in an employed contributor's employment on any day, if he would be so available were he, on that day, in Great Britain;

(*b*) be deemed to be available for employment in an employed contributor's employment on any day on which he is attending at a training course or course of instruction, approved by the Minister in his case, and any such day shall be treated as a day of unemployment:

Provided that nothing in the provisions of this sub-paragraph shall, in respect of a day to which they apply, render a person entitled to earnings-related supplement by way of an increase of unemployment benefit.

(2) Where by virtue of regulation 10(*a*) a person is not disqualified on any day for receiving sickness benefit, although absent from Great Britain, he shall be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement on any such day.

(3) A mariner shall not be precluded from being treated as being unemployed on any day by reason only that in respect of that day he receives a payment of establishment benefit under the Merchant Navy Established Service Scheme or any amendment of that Scheme approved by the Minister.

Special provisions relating to share fishermen

15.—(1) In the case of a share fisherman not employed under a contract of service to whom regulation 2(1) applies, 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 his employer.

(2) Notwithstanding the provisions of section 11 of the Act (contributions of employed persons and employers), contributions paid by an employer in respect or on behalf of a share fisherman to whom the preceding paragraph of this regulation applies may be deducted from the gross earnings of the fishing vessel before the share of the person so employed is ascertained.

(3) The provisions of regulation 4(3) shall not apply in the case of a fishing vessel (being a home-trade ship) of which the master and every member of the crew are share fishermen to whom paragraph (1) of this regulation applies.

16.—(1) Subject to the provisions of paragraph (4) of this regulation, it shall be an additional condition with respect to the receipt of unemployment benefit by a share fisherman (whether or not employed under a contract of service) in respect of any day, that it is a day on which he performs no work as a share fisherman and in respect of which he proves that he has not neglected to avail himself of a reasonable opportunity of employment as a fisherman.

(2) Where such a share fisherman is a master or member of the crew of a fishing vessel of which either the master or any member of the crew is the owner

or part owner, he must, in addition to satisfying the additional condition contained in the preceding paragraph, also prove that there was no work on or in connection with the fishing vessel available for him on that day for the reason—

(*a*) that on account of the state of the weather the fishing vessel could not reasonably have put to sea with a view to fishing; or

(*b*) that the fishing vessel was undergoing repairs or maintenance, not being repairs or maintenance to which paragraph (3) of this regulation relates; or

(*c*) that there was an absence of fish from any waters in which the fishing vessel could reasonably be expected to operate; or

(*d*) that any other good cause necessitated abstention from fishing.

(3) The following provisions shall apply for the purposes of the application of paragraph (1) of this regulation:—

(*a*) Work as a share fisherman within the meaning of the said paragraph (1) shall include any of the work specified in sub-paragraph (*b*) of this paragraph which at the time of its performance is necessary for the safety or reasonable efficiency of the fishing vessel, or is likely to become so necessary in the near future, and which it is the duty of the share fisherman (whether by agreement, custom, practice or otherwise) to undertake without remuneration other than by way of a share in the profits or gross earnings of the fishing vessel, but any other work done to the fishing vessel or its nets or gear shall be disregarded.

(*b*) The work so included by the foregoing sub-paragraph is any work done to the fishing vessel or its nets or gear by way of repairs (including running repairs) or maintenance, or in connection with the laying up of the vessel and its nets and gear at the end of a fishing season or their preparation for a season's fishing.

(4) Notwithstanding anything contained in this regulation, where a share fisherman proves in respect of any day—

(*a*) that the date of his entry into the fishing industry was at least twelve months before that day and he is not a person who during the twelve months immediately preceding that day 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 if the date of his entry into the fishing industry was less than twelve months before that day, that he is not a person who may reasonably be expected so to be engaged and to derive his livelihood during the twelve months following the date of such entry, and for this purpose entry means last entry; or

(*b*) that before that day and since he was last employed as a share fisherman he has become regularly engaged in some other occupation;

he shall not be subject to the provisions of paragraph (1) or (2) of this regulation in respect of that day.

(5) A day in respect of which unemployment benefit is not payable by reason of any failure to satisfy the conditions contained in this regulation shall not be treated as a day of unemployment, but nothing in this regulation shall enable any day to be treated as a day of unemployment which could not be so treated apart from this regulation.

PART II

SEAMAN'S GRADUATED CONTRIBUTIONS

Definitions

17. In this Part of these regulations, unless the context otherwise requires—

" seaman " has the same meaning as in regulation 35 of the Income Tax (Employments) Regulations 1965(a);

" pay period " in relation to any payment of a seaman's remuneration means the period in respect of which the payment is made;

" voyage period " means a pay period comprising an entire voyage or series of voyages (including any period of leave on pay which immediately follows the day on which the termination of that voyage or series of voyages occurs).

Seaman's liability for graduated contributions and their assessment

18.—(1) Subject to the following provisions of this Part of these regulations, in relation to a person's employment as a seaman those provisions of the Act which relate to liability to pay graduated contributions shall be modified in accordance with the following provisions of this regulation.

(2) Liability to pay graduated contributions in relation to a person's employment as a seaman shall be in respect of a payment of remuneration for any pay period and shall not be in respect of payments in any income tax week, nor shall the amounts of those graduated contributions be determined by reference to any payment or payments in any income tax week.

(3) Subject to the provisions of regulation 20, in respect of any payment of a seaman's remuneration for any pay period (not being a voyage period) of one week, one month or three months—

(*a*) where the pay period is one week, the employer and the seaman shall each be liable, if the payment is of an amount shown in column (1) of Part I of the appropriate Schedule to these regulations, to pay a graduated contribution of the amount opposite thereto in column (2) or, if the payment is of an amount not so shown, a graduated contribution of the amount in column (2) opposite to the next smaller amount in column (1), if any, which is so shown;

(*b*) where the pay period is one month, the employer and the seaman shall each be liable, if the payment is of an amount shown in column (1) of Part II of the appropriate Schedule to these regulations to pay a graduated contribution of the amount opposite thereto in column (2) or, if the payment is of an amount not so shown, a graduated contribution of the amount in column (2) opposite to the next smaller amount in column (1), if any, which is so shown;

(*c*) where the pay period is three months, the last foregoing sub-paragraph shall apply subject to the substitution for each of the amounts shown in column (1) and column (2) of Part II of the appropriate Schedule to these regulations of that amount multiplied by three.

(4) Subject as aforesaid, in respect of any payment of a seaman's remuneration for a voyage period or for any pay period (not being a voyage period) other than one week, one month or three months—

(a) S.I. 1965/516 (1965 I, p. 1321).

(*a*) where the employer is liable to pay no or only one weekly employer's contribution in respect of the employment of the seaman for that period, the employer and the seaman shall each be liable, if the payment is of an amount shown in column (1) of Part I of the appropriate Schedule to these regulations, to pay a graduated contribution of the amount opposite thereto in column (2) or, if the payment is of an amount not so shown, a graduated contribution of the amount shown in column (2) opposite to the next smaller amount in column (1), if any, which is so shown; and

(*b*) where the employer is liable to pay more than one weekly employer's contribution in respect of the employment of the seaman for that period, the foregoing sub-paragraph shall apply subject to the substitution for each of the amounts shown in column (1) and column (2) of Part I of the appropriate Schedule to these regulations of that amount multiplied by the number of weekly employer's contributions which the employer is liable to pay as aforesaid:

Provided that, for the purposes of this paragraph—

(*a*) an employer shall be deemed to be liable to pay any weekly employer's contribution which is paid by him by virtue of the provisions of regulation 7(2); and

(*b*) in calculating the number of employer's weekly contributions, no account shall be taken of any such contribution which would not be payable but for a delay in the ending of a voyage to which the provisions of regulation 19(*b*) apply.

(5) Subject to the provisions of paragraph (7) of this regulation, the provisions of the National Insurance (Assessment of Graduated Contributions) Regulations 1960(a), shall not apply to or in respect of any payment of remuneration in respect of the employment of a seaman as such.

(6) In this regulation " the appropriate Schedule " means Schedule 1 in the case of an employment which is not a non-participating employment, and means Schedule 2 in the case of an employment which is a non-participating employment.

(7) Where in the case of any payments to which the provisions of paragraph (3) or paragraph (4) of this regulation apply, it would, having regard to the means by which the net sums payable are to be calculated, be unduly difficult or inconvenient to calculate the graduated contributions payable in respect of those payments in accordance with those provisions, the amounts of those contributions may be calculated as if those provisions did not apply; and in any case in which the amount of any graduated contribution payable is not calculated in accordance with those provisions, that amount shall be calculated to the nearest penny (any amount of a halfpenny being disregarded) and the provisions of regulation 2 of the National Insurance (Assessment of Graduated Contributions) Regulations 1960 (equivalent amounts), as substituted by regulation 2 of the National Insurance (Assessment of Graduated Contributions) Amendment Regulations 1966(b), shall have effect subject to the necessary modifications.

Remuneration to be disregarded

19. For the purposes of graduated contributions, there shall be excluded from remuneration in respect of the employment of any seaman any payment insofar as it is—

(a) S.I. 1960/921 (1960 II, p. 2210). (b) S.I. 1966/549 (1966 II, p. 1129).

(*a*) either—

(i) an interim payment of remuneration by way of an advance, or

(ii) a payment to some other person of any part of a seaman's remuneration allotted by him to that person,

so, however, that this paragraph shall not prevent any sum deducted on account of any such payment from another payment of remuneration being treated as paid on account of that remuneration in accordance with section 4(5) of the Act (which subsection provides for any sum deducted from a payment of remuneration being treated as paid on account of that remuneration);

(*b*) a payment of remuneration to a seaman in respect of a voyage in excess, by reason of delay in the ending of the voyage, of the payment which but for such delay the seaman would have received:

Provided that the provisions of this paragraph shall apply only to a delay where—

(i) the delay is beyond the time the master had expected the voyage to end when in anticipation of the voyage so ending calculations of the payment to be made to the seaman at the end of the voyage were completed; and

(ii) the voyage ends before midnight on the second day after the time expected by the master as aforesaid;

(*c*) a payment of or in respect of a gratuity, where the payment is not made directly or indirectly by the employer and the sum paid does not comprise or represent sums previously paid to the employer;

(*d*) a payment of a special payment while sick abroad (as defined by the National Maritime Board); or

(*e*) a payment to him made by the Board of Trade with the consent of his employer in accordance with the provisions of section 28 of the Merchant Shipping Act 1906(a) (wages and effects of a seaman who is left behind) in respect of wages deposited owing to a seaman's failure to rejoin his ship.

Separate additional payments

20.—(1) In this regulation—

(*a*) " terminal payment " means a payment of remuneration to a seaman in respect of his employment as such made at or following the end of a voyage by way of general settlement of the seaman's remuneration for that voyage (or, where the voyage includes more than one pay period, for the last of those pay periods);

(*b*) " quarterly calculated payment " means a payment for a pay period of three months or a payment of remuneration of which the whole or the greater part is calculated by reference to one or more periods of three months;

(*c*) " monthly calculated payment " means a payment for a pay period of a month or a payment of remuneration, not being a quarterly calculated payment, of which the whole or the greater part is calculated by reference to a month or months;

(*d*) " weekly calculated payment " means a payment of remuneration which is not a quarterly or monthly calculated payment.

(a) 1906 c. 48.

(2) Where remuneration for overtime work as a seaman earned in any of the last six days of a voyage is not included in the terminal payment, then, in respect of any subsequent payment on account of that remuneration (not being a payment of less than one pound) and subject to regulations 19 and 22, the employer and the seaman shall each be liable to pay a graduated contribution of the amount shown in the appropriate column of Schedule 3 to these regulations opposite the amount of that payment shown in column (1) or, if that amount is not so shown, opposite the next smaller amount which is so shown.

(3) Except for payments to which the provisions of the foregoing paragraph apply and subject to the provisions of regulations 19 and 22, graduated contributions shall be payable in accordance with the provisions of the succeeding paragraphs of this regulation in respect of any payment of remuneration made to a seaman in respect of his employment as such which either—

(*a*) is not made before or included in the terminal payment, or

(*b*) is made before the terminal payment otherwise than through the master or other person from whom the seaman is to receive the terminal payment

(hereafter in this regulation referred to as an " employer's payment "):

Provided that any payment which is made at the same time as a payment of remuneration to which regulation 18(3) applies shall not be treated as an employer's payment, but shall be treated for the purposes of the said regulation 18(3) as if it were remuneration for the pay period in respect of which that other payment is made.

(4) Subject to the provisions of paragraph (5), in respect of any employer's payment an employer shall be liable to pay graduated contributions on behalf and in respect of a seaman under section 4 of the Act (which section imposes liability to pay graduated contributions) as modified by regulation 18—

(*a*) if the terminal payment is or is to be a weekly calculated payment, as if the employer's payment were for a pay period of one week;

(*b*) if the terminal payment is or is to be a monthly calculated payment, as if the employer's payment were for a pay period of one month; and

(*c*) if the terminal payment is or is to be a quarterly calculated payment, as if the employer's payment were for a pay period of three months.

(5) The graduated contributions payable in a case to which the foregoing paragraph applies shall be determined—

(*a*) if the seaman is still in the employment of the employer making the employer's payment at the time that payment is made, as if, in respect of the pay period of one week or one month or three months, as the case may be, the employer in addition had paid his basic wage to the seaman and appropriate graduated contributions on behalf and in respect of him in respect of that basic wage; or

(*b*) if the seaman is not still employed by the employer making the employer's payment at the time that payment is made, as if the employer had paid the seaman no other remuneration in respect of that pay period.

(6) In this regulation " appropriate column " means column (2) of Schedule 3 in the case of an employment which is not a non-participating employment, and means column (3) of Schedule 3 in the case of an employment which is a non-participating employment.

Annual maximum

21.—(1) In relation to a seaman section 4(4) of the Act (by which where the graduated contributions paid by a person in respect of his remuneration from two or more employments in any income tax year exceed the prescribed amount the excess shall, for certain purposes, be treated as contributions of the wrong class paid in error and as not properly payable) shall be modified to take effect as if the words " from two or more employments " were omitted.

(2) For the purposes of the said section 4(4) as so modified—

(*a*) the prescribed amount in respect of any income tax year—

(i) which ends before the 5th April 1964, shall, if the graduated contributions so paid in that year amount to £14 or more, be £13 10s.;

(ii) which ends on or after the 5th April 1964 and before the 5th April 1967, shall, if the graduated contributions so paid in that year amount to £20 16s. 4d. or more, be £20 6s. 4d.;

(iii) which ends on the 5th April 1967, shall, if the graduated contributions so paid in that year amount to £23 12s. 7d. or more, be £23 2s. 7d.;

(iv) which ends on or after the 5th April 1968, shall, if the graduated contributions so paid in that year amount to £26 6s. 9d. or more, be £25 16s. 9d.;

(*b*) any payment for any voyage period, which falls partly in two or more income tax years, shall be apportioned between those income tax years proportionately to the length of the part of the voyage period occurring in each such income tax year; and

(*c*) regulation 18(6)(*e*) of the National Insurance (Contributions) Regulations 1948(**a**) (which has effect by virtue of the National Insurance (Graduated Contributions and Non-participating Employments—Miscellaneous Provisions) Regulations 1960(**b**), and provides that for the purposes of that regulation the amount of graduated contributions in excess of the amount prescribed under the said section 4(4) shall be treated as representing contributions paid under the erroneous belief that they were payable) shall apply in respect of remuneration to a seaman in respect of a single employment as such in any income tax year as it applies in respect of a person's remuneration from two or more employments in any income tax year.

Transitory provisions

22.—(1) The graduated contributions payable in respect of any payment of remuneration—

(*a*) in respect of a voyage commencing before the 5th October 1966, which ends before the 5th January 1967, or in respect of any period of leave on pay immediately following such a voyage; or

(*b*) in respect of such part of a voyage ending on or after the 5th January 1967, as occurs before the 5th October 1966;

shall be calculated as if these regulations and the National Insurance (Mariners) Amendment Regulations 1966(**c**) had not been made.

(2) For the purposes of graduated contributions in respect of any payment of remuneration to a seaman on account of his employment as such, any increase in the rate of graduated contributions provided by section 5 of the Act (increase in the rates of graduated contributions and the dates upon which

(**a**) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(**b**) S.I. 1960/1210 (1960 II, p. 2234). (**c**) S.I. 1966/1012 (1966 II, p. 2415).

they are to take effect) shall be disregarded if that payment is a payment of remuneration earned in a voyage period of which the greater part occurred before the date upon which the said section provides that increase shall take effect.

PART III

MISCELLANEOUS PROVISIONS

Breach of regulations

23. If any person contravenes or fails to comply with any requirement of these regulations in respect of which no special penalty is provided, he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

Application of the Act and regulations

24. The provisions of the Act and of the regulations made thereunder shall, so far as they are not inconsistent with the provisions of these regulations, apply to mariners with this modification, that, where a mariner is, on account of his being at sea or outside the United Kingdom by reason of his employment as a mariner, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

Revocation and general savings

25.—(1) The regulations specified in Schedule 4 to these regulations are hereby revoked.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) So much of any document as refers expressly or by implication to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocations.

Margaret Herbison,
9th March 1967. Minister of Social Security.

Given under the Official Seal of the National Insurance Joint Authority.

(L.S.) *N. E. Wade,*
A person authorised by the National Insurance Joint Authority to act on behalf of the
9th March 1967. Secretary, National Insurance Joint Authority.

George Lawson,
W. Howie,
Two of the Lords Commissioners of
13th March 1967. Her Majesty's Treasury.

Regulation 18

SCHEDULE 1

EMPLOYMENT WHICH IS NOT A NON-PARTICIPATING EMPLOYMENT

PART I

SCALE FOR PAY PERIOD OF A WEEK OR FOR A VOYAGE PERIOD FOR WHICH NO OR ONE WEEKLY EMPLOYER'S CONTRIBUTION IS PAYABLE

Amount of payment (1)	Amount of contribution (2)
£ s. d.	s. d.
9 0 1	1
9 5 0	4
9 10 0	9
10 0 0	1 2
10 10 0	1 8
11 0 0	2 2
11 10 0	2 7
12 0 0	3 1
12 10 0	3 7
13 0 0	4 0
13 10 0	4 6
14 0 0	5 0
14 10 0	5 6
15 0 0	5 11
15 10 0	6 5
16 0 0	6 11
16 10 0	7 4
17 0 0	7 10
17 10 0	8 4
18 0 0	8 8
21 0 0	9 0
24 0 0	9 4
27 0 0	9 7
30 0 0	9 9

PART II

SCALE FOR PAY PERIOD OF ONE MONTH

Amount of payment (1)	Amount of contribution (2)
£ s. d.	£ s. d.
39 0 6	6
40 0 0	1 11
42 0 0	3 10
44 0 0	5 8
46 0 0	7 7
48 0 0	9 6
50 0 0	11 5
52 0 0	13 4
54 0 0	15 2
56 0 0	17 1
58 0 0	19 0
60 0 0	1 0 11
62 0 0	1 2 10
64 0 0	1 4 8
66 0 0	1 6 7
68 0 0	1 8 6
70 0 0	1 10 5
72 0 0	1 12 4
74 0 0	1 14 2
76 0 0	1 16 1
78 0 0	1 17 2
80 0 0	1 17 9
90 0 0	1 18 9
100 0 0	1 19 9
110 0 0	2 0 9
120 0 0	2 1 9
130 0 0	2 2 3

Regulation 18

SCHEDULE 2

NON-PARTICIPATING EMPLOYMENT

PART I

SCALE FOR PAY PERIOD OF A WEEK OR FOR A VOYAGE PERIOD FOR WHICH NO OR ONE WEEKLY EMPLOYER'S CONTRIBUTION IS PAYABLE

Amount of payment (1)	Amount of contribution (2)
£ s. d.	s. d.
9 0 1	1
10 0 0	2
12 0 0	5
15 0 0	9
18 0 0	1 1
21 0 0	1 4
24 0 0	1 8
27 0 0	1 11
30 0 0	2 1

PART II

SCALE FOR PAY PERIOD OF ONE MONTH

Amount of payment (1)	Amount of contribution (2)
£ s. d.	s. d.
39 0 1	1
40 0 0	7
50 0 0	1 7
60 0 0	2 7
70 0 0	3 7
80 0 0	4 7
90 0 0	5 7
100 0 0	6 7
110 0 0	7 7
120 0 0	8 7
130 0 0	9 1

SCHEDULE 3

Regulation 20

SCALE FOR SEPARATE PAYMENT OF OVERTIME

Amount of payment (1)	Amount of contribution	
	Employment which is not a non-participating employment (2)	Non-participating employment (3)
£ s. d.	s. d.	d.
1 0 0	11	1
2 0 0	1 10	2
3 0 0	2 9	3
4 0 0	3 8	4
5 0 0	4 7	5
6 0 0	5 6	6
7 0 0	6 5	7
8 0 0	7 4	8
9 0 0	8 3	9
or more		

SCHEDULE 4

Regulation 25

Regulations revoked	References
The National Insurance (Mariners) Regulations 1948.	S.I. 1948/1467 (Rev. XVI, p. 112: 1948 I, p. 2785).
The National Insurance (Mariners) Amendment Regulations 1949.	S.I. 1949/301 (1949 I, p. 2726).
The National Insurance (Mariners) Amendment Regulations 1951.	S.I. 1951/1411 (1951 I, p. 1488).
The National Insurance (Mariners) Amendment Regulations 1953.	S.I. 1953/624 (1953 I, p. 1377).
The National Insurance (Mariners) Amendment Regulations 1957.	S.I. 1957/2243 (1957 I, p. 1679).
The National Insurance (Mariners) Amendment Regulations 1958.	S.I. 1958/1237 (1958 II, p. 1579).
The National Insurance (Mariners) Amendment Regulations 1959.	S.I. 1959/759 (1959 II, p. 1895).
The National Insurance (Mariners) Amendment Regulations 1960.	S.I. 1960/2431 (1960 II, p. 2344).
The National Insurance (Mariners) Amendment Regulations 1963.	S.I. 1963/947 (1963 II, p. 1592).
The National Insurance (Mariners) Amendment Regulations 1965.	S.I. 1965/411 (1965 I, p. 1117).
The National Insurance (Mariners) Amendment Regulations 1966.	S.I. 1966/1012 (1966 II, p. 2415).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purpose only of consolidating Regulations thereby revoked and accordingly, by virtue of section 107(1) and (3) of the National Insurance Act 1965, a draft of the regulations has not been laid before Parliament, and, by virtue of section 108(9)(*c*) of the same Act, no reference of them has been made to the National Insurance Advisory Committee.

The Regulations consolidate the regulations relating to mariners hitherto in force for the purposes of the National Insurance Acts 1965 and 1966.