Insurance Industry Special Scheme

1948. No. 199

See p 877

Mariners

1948. No. 236

See p 879

Married Women

1948. No. 220

See p 890

Maternity Benefit

REGULATIONS, DATED 21ST JUNE, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended S Roo 1949(No.1)75 1948. No. 238

The National Insurance Joint Authority, in exercise of the powers conferred by sections 13 (3) and (6), 14 and 15 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Maternity Benefit) Regulations (Northern Ireland), 1948, and shall come into operation on the 21st June, 1948.

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

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

"the determining authority" means an insurance officer, a local tribunal or the umpire, as the case may require, appointed or constituted in accordance with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948;

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 30th day of June, 1948, in the presence of

L.S.

H. Anderson,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of June, 1948, in the presence of

L.S.

J. A. McKeown,
Second Secretary to the Ministry of Finance for Northern Ireland.

Mariners Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended 1949 S.R.&O.(N.I.) 50

1948. No. 236

The National Insurance Joint Authority, in exercise of the powers conferred by section 10 of the National Insurance Act (Northern Ireland), 1946, and the Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of the powers conferred by sections 7, 28, 40, 50 and 55 of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Mariners) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948.

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

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Ministry" means the Ministry of Labour and National Insurance for Northern Ireland;

"the determining authority" means, as the case may require, an insurance officer or a local tribunal appointed or constituted in accordance with the National Insurance (Determination of

Claims and Questions) Regulations (Northern Ireland), 1948, or an umpire or deputy umpire appointed by the Governor of Northern Ireland for the purposes of the Act;

" insurance card " and " emergency card " have the same meanings as in the National Insurance and Industrial Injuries (Collection of Contributions) Regulations (Northern Ireland), 1948;

" 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;

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;

" 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 sub-paragraph (2) of paragraph 2 of Part I of the First Schedule to the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, applies;

" ship engaged in regular trade on foreign stations " means a ship or vessel engaged regularly in trade between ports outside the United Kingdom, the Isle of Man and the Channel Islands when trading between such ports, but a ship or vessel shall not be deemed not to be engaged in such a trade by reason only that she has put into a port in the United Kingdom for the purpose of survey or repair;

" 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 Eire), 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.;

"foreign-going ship" includes—

(*a*) every ship or vessel employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the limits specified in paragraph (*a*) of the definition of home-trade ships;

(*b*) every fishing vessel proceeding beyond the limits specified in paragraph (*b*) of that definition;

(*c*) every ship engaged in regular trade on foreign stations;

and, subject as aforesaid, expressions to which meanings are assigned in the Merchant Shipping Acts, 1894 to 1938, 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 Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

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.

(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, weekly contributions at the appropriate rate set out in the schedule to these regulations:

Provided that—

(i) this paragraph shall have effect subject to any Order in Council giving effect to any reciprocal agreement made under section 61 of the Act (which section relates to reciprocal agreements with Dominions, colonies and foreign countries); and

(ii) 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.

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:—

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

(i) if the engagement is due to terminate in Northern Ireland, until the termination of the engagement; and

(ii) if the engagement is due to terminate outside Northern Ireland, until the return of the mariner to Northern Ireland;

(*b*) where the ship is at any time at sea or at a port outside Northern Ireland, 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;

(*c*) every employer shall apply to such person as the Ministry may direct for a sufficient number of emergency cards for use in

connection with his ships, and such emergency cards shall be used where, but only where—

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

(ii) all the appropriate spaces on the insurance card have been filled by the affixing of stamps;

(*d*) 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;

(*e*) where the mariner is left behind on shore in any place outside Northern Ireland 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 Ministry if the mariner is left in any part of His Majesty's dominions, or, if he is left elsewhere, to such person as the Ministry may direct;

(*f*) 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 Northern Ireland for any reason other than his unfitness or inability to proceed to sea, the employer shall deliver his insurance card duly stamped to such person as the Ministry may direct, on the termination of the voyage or when the ship first returns to a port in the United Kingdom, whichever is the earlier;

(*g*) 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 Ministry.

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 sub-paragraph (*a*) of paragraph (2) of regulation 2, the owner or manager shall, subject to the provisions of paragraph (3) of this regulation, make 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 sub-paragraph 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 subsection (4) of section 116 (as amended) or subsection (1) of section 403 of the Merchant Shipping Act, 1894 (which subsections

relate to 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 sub-paragraph (*a*) shall be paid in such manner as the Ministry may direct, 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 sub-paragraph (*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:

Provided that nothing herein contained shall require a return to be made 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 sub-paragraph (*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 Ministry 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, the weekly rate of the employer's contributions payable in respect of him in accordance with subsection (2) of section 2 of, and Part II of the First Schedule to, the Act shall be reduced—

(*a*) by fivepence halfpenny, in the case of men and women over the age of eighteen; and

(*b*) by threepence 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 Ministry 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 sub-paragraph (*b*) of paragraph (2) of regulation 2;

(*b*) furnish such particulars as the Ministry 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 such person as the Ministry may direct, within seven clear days after the termination of the voyage, and at the same time pay to that person 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 subsection (5) of section 115 or subsection (1) of section 403 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 to such person as the Ministry may direct, a schedule and the appropriate voyage cards, together with the amount of the contributions due—

(i) 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

(ii) 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 schedules and voyage cards shall be in such form as may from time to time be approved by the Ministry, 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 paragraph (2) of regulation 2 shall be carried by the Ministry 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) 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 Ministry 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 61 of the Act; and

(*b*) as to the residue thereof, for the purposes of The Merchant Navy Welfare Board (mentioned in sub-paragraph (*b*) of paragraph (2) of regulation 6 of the National Insurance (Mariners) Regulations, 1948) 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 Ministry shall from time to time direct.

Duty of master.

7. 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.

8. 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 Ministry 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, in the case of mariners, for receiving benefit whilst absent from Northern Ireland.

9.—(1) A mariner who is or has been employed as master or a member of the crew of any ship or vessel shall not, by reason of his being absent from Northern Ireland (but subject to the provisions of paragraph (*a*) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948), be disqualified on any day for receiving—

(*a*) sickness benefit, if he has been left outside Northern Ireland—

(i) on account of any hurt or injury received, or any illness suffered, by him whilst so employed; or

(ii) for the purpose of preventing infection; or

(*b*) unemployment or sickness benefit, if, whilst so employed, he has been left outside Northern Ireland for any reasons other than those specified in sub-paragraph (*a*) of this paragraph, and reports to the appropriate superintendent or consular officer or chief officer of customs not later than fourteen days after being so left, or, if he, at the time of being so left, was placed in custody, immediately after his release from custody:

Provided that this paragraph shall have effect only—

(*a*) if the mariner returns to a proper return port without undue delay; and

(*b*) in respect of a period ending—

(i) on his commencing or resuming employment outside Northern Ireland; or

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

(2) A person who is or has been employed as a mariner on board a British ship, and is absent from Northern Ireland on account of such employment, shall not by reason of such absence be disqualified for receiving widow's benefit, guardian's allowance or retirement pension.

(3) Where by virtue of this regulation, a mariner is not disqualified for receiving benefit although absent from Northern Ireland, he or she shall not be disqualified for receiving any increase (where payable) of any such benefit in respect of his or her spouse by reason of the spouse being absent from Northern Ireland, provided the spouse is residing with the mariner.

Suspension of payment of benefit to mariners whilst absent from Northern Ireland.

10. The payment to a mariner of benefit to which the provisions of the last preceding regulation apply shall, unless the Ministry in any particular case otherwise determines, be suspended while he is absent from Northern Ireland, unless the mariner has nominated a person in Northern Ireland (who is approved by the Ministry) to receive payment of the benefit on his behalf.

Modification of contribution conditions 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 sub-paragraph (*b*) of paragraph 1, or sub-paragraph (1) (*b*) of paragraph 2, of the Third Schedule to the Act, as the case may be, cannot be satisfied, by reason of the fact that, having regard to the provisions of paragraph (2) of regulation 5, 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 voyage card is received by the Ministry (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 voyage card being so received, the Ministry may review its decision under regulation 5 of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948.

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 the proviso to paragraph (1) of regulation 12 of the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948, and his failure is due to the fact that he was absent from Northern Ireland by reason of his employment as a mariner, that proviso shall apply to him with the substitution for the said period of six months of such a period as the Ministry 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 His Majesty's dominions, 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 may accept as sufficient in the circumstances of any particular case.

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) For the purposes of unemployment or sickness benefit, as the case may be, a mariner employed as master or a member of the crew of any ship or vessel shall—

(*a*) notwithstanding that he is absent from Northern Ireland, 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 Northern Ireland;

(*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 Ministry in his case, and any such day shall be treated as a day of unemployment;

(*c*) if he is left outside Northern Ireland in any of the circumstances specified in sub-paragraph (*a*) of paragraph (1) of regulation 9, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for each day to which the proviso to that paragraph applies, and each such day shall be treated as a day of incapacity for work.

(2) 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 Ministry.

Breach of regulations.

15. 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.

16. 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.

Given under the Official Seal of the National Insurance Joint Authority this 2nd day of July, nineteen hundred and forty-eight.

L.S.

C. D. Curtis,
Secretary,
National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of July, nineteen hundred and forty-eight.

L.S.

William Allen,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of July, nineteen hundred and forty-eight.

L.S.

John I. Cook,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

Regulation 2 (2) (*b*).

Rates of contributions payable by employers in respect of non-domiciled mariners employed as masters or members of the crews of British ships, being foreign-going ships but not being ships engaged in regular trade on foreign stations.

Description of mariner	*Weekly rate of contribution*
	s. d.
Men over the age of 18	2 4
Women over the age of 18	1 10
Boys under the age of 18	1 4
Girls under the age of 18	1 1