1975 No. 106

SOCIAL SECURITY

The Social Security (Industrial Injuries) (Mariners' Benefits) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 82(5), 88 and 124(1) of the Social Security (Northern Ireland) Act 1975(**a**) and paragraph 9(1)(*a*) and (*c*) of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Industrial Injuries) (Mariners' Benefits) Regulations (Northern Ireland) 1975, and shall come into operation on 6th April 1975.

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

"the Act" means the Social Security (Northern Ireland) Act 1975;

"mariner" means a person whose employment under a contract of service, or whose employment under a contract to act, as master of, or as member of the crew of, or as a pilot on board, or (in regulations 2, 6, 7 and 8 only) in any other capacity on board, any ship or vessel is treated as employed earner's employment for the purposes of Chapters IV and V of Part II of the Act under the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations (Northern Ireland) 1975(**c**);

"prescribed disease" means a disease or injury prescribed for the purposes of Chapter V of Part II of the Act;

"ship or vessel" includes hovercraft;

and, subject as aforesaid, expressions to which meanings are assigned in the Merchant Shipping Acts 1894 to 1970 have the same meanings as in those Acts; and other expressions have the same meanings as in the Act.

(3) In their application to hovercraft and activities and places connected with hovercraft, these regulations shall have effect subject to the modifications contained in the Schedule to these regulations.

(4) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(a) 1975 c. 15
(b) 1975 c. 18
(c) S.R. 1975 No. 90

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(d) shall apply in relation to this statutory rule and the regulations revoked by it as if this statutory rule and the regulations revoked by it were Acts of Parliament and as if the revocation were a repeal.

Accidents happening and diseases contracted outside Northern Ireland

2.—(1) Benefit shall be payable, subject to and in accordance with the provisions of the Act, in respect of an accident arising out of and in the course of, or a prescribed disease due to the nature of, the employment (being employed earner's employment) of any person as a mariner notwithstanding that the accident happens or the disease is contracted while such person is outside Northern Ireland.

(2) The provisions of this regulation shall be extended to any employed earner who, in the course of his employment as an apprentice pilot (being employed earner's employment), is on board any ship or vessel, whether or not he is a mariner within the meaning of these regulations.

Special provisions about benefit in the case of masters and members of the crew and pilots

3. The provisions of Part II (benefit) of the Act, in their application to a mariner, shall have effect subject to the following modifications:

(*a*) Where the mariner, having been left behind in any country on account of illness, injury, risk of infection or loss of or damage to the ship or vessel in which he was employed, is subsequently returned to a place determined in accordance with regulations made under section 62 of the Merchant Shipping Act 1970(e) at the expense of the employer in whose service he was up to the time of being so left, an accident happening to him while being so returned shall, notwithstanding that during that time he renders no services and receives no wages, be deemed to arise out of and in the course of his employment as such mariner if it would have been deemed so to have arisen had the return journey been undertaken in pursuance of an obligation under his contract of service with the employer aforesaid;

(*b*) in section 53 of the Act (accidents happening while an employed earner is travelling in his employer's transport)—

(i) the expression "place of work" shall include the ship or vessel in the service of which the mariner is employed;

(ii) the requirements of subsection (1)(*b*) shall not apply in the case of a mariner who, with the express or implied permission of his employer, is travelling to or from such ship or vessel as aforesaid in any other ship or vessel;

(*c*) in addition to the provisions of section 54 of the Act (accidents happening while meeting an emergency), an accident happening to a mariner in or about a ship or vessel on board which he is for the time being employed shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps on an actual or supposed emergency on or in connection with any ship or vessel to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property;

(*d*) injury benefit shall not be payable for any period during which the mariner is entitled to wages under the provisions of the Merchant Shipping Acts 1894 to 1970.

(d) 1889 c. 63 (e) 1970 c. 36