SOCIAL SECURITY

1975 No. 99

The Social Security (Industrial Injuries) (Airmen's 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) 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) (Airmen's 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;

"airman" means a person whose employment under a contract of service, or whose employment under a contract to act, as pilot, commander, navigator or other member of the crew of any aircraft or (in regulations 2, 5 and 6 only) in any other capacity on board any aircraft 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;

and other expressions have the same meanings as in the Act.

(3) 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.

(4) 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.

(**a**) 1975 c. 15
(**b**) 1975 c. 18
(**c**) S.R. 1975 No. 90
(**d**) 1889 c. 63

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 an airman 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 (being employed earner's employment), is on board an aircraft on a test flight starting in Northern Ireland, whether or not he is an airman within the meaning of these regulations.

Special provisions about benefit in the case of pilots, commanders, navigators and other members of the crew of aircraft

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

(*a*) Where the airman, having been left outside the United Kingdom on account of illness, injury, risk of infection or loss of or damage to the aircraft in which he was employed, subsequently returns to the United Kingdom 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 so returning shall, notwithstanding that during that time he renders no services and receives no wages, he deemed to arise out of and in the course of his employment as such airman 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 addition to the provisions of section 54 of the Act (accidents happening while meeting an emergency), an accident happening to an airman while employed as aforesaid 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 aircraft 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;

(*c*) the requirements of section 53(1)(*b*) of the Act (accidents happening while an employed earner is travelling in his employer's transport) shall not apply in the case of an airman who, with the express or implied permission of his employer, is travelling to or from his place of work in any aircraft.

Disqualification and suspension during absence from Northern Ireland

4. Those provisions of section 82(5) of the Act which provide for disqualification for the receipt of benefit during periods of absence from Northern Ireland shall have effect in relation to benefit payable in respect of an accident arising out of and in the course of, or a prescribed disease due to the nature of, the employment of an airman, subject to the following exceptions:

(*a*) An airman shall not be disqualified for receiving injury benefit for any period during which he is absent from Northern Ireland by reason of his employment as an airman;