Given under the Official Seal of the National Insurance Joint Authority this 31st day of August, nineteen hundred and forty-nine.

(L.S.) *S. S. Menneer*,
Secretary,
National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 31st day of August, nineteen hundred and forty-nine.

(L.S.) *John I. Cook*,
Second Secretary to the Ministry of Finance for Northern Ireland.

Mariners Amendment Regulations (Northern Ireland), 1949

REGULATIONS, DATED 9TH MARCH, 1949, 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.

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The National Insurance Joint Authority, in exercise of powers conferred by section 10(3) of the National Insurance Act (Northern Ireland), 1946, and the Ministry of Labour and National Insurance, 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 powers conferred by sections 7(1)(*a*), 8(1), 12(4) and 55 of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation and commencement.

1. These regulations, which may be cited as the National Insurance (Mariners) Amendment Regulations (Northern Ireland), 1949, shall be read as one with the National Insurance (Mariners) Regulations (Northern Ireland), 1948 (hereinafter referred to as " the principal regulations "), and shall come into operation on the 14th March, 1949.

Amendment of regulation 1 of principal regulations.

2. In paragraph (2) of regulation 1 of the principal regulations, the words " and includes a share fisherman " shall be inserted in the definition of " mariner " immediately after sub-paragraph (*b*) ; and the following definition shall be added immediately after the said definition of " mariner " :—

" ' 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 boat 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 boat ; and the expression ' the fishing boat ' means that fishing boat of which the person is master or a member of the crew ; "

Amendment of regulation 2 of principal regulations.

3. In paragraph (1) of regulation 2 of the principal regulations, there shall be added at the end of that paragraph the following proviso :—

" Provided that this paragraph, in so far as it treats employment as being an employed contributor's employment, shall not apply in respect of the employment of a person as a share fisherman not under contract of service unless that person either—

(*a*) during the twelve months immediately preceding the commencement of that employment has, or would but for his being unemployed or incapable of work have, been wholly or mainly engaged in, and derived his livelihood wholly or mainly from, employment as a share fisherman or such employment and any other employment as an employed person ; or

(*b*) if unable to satisfy the foregoing condition, may reasonably be expected so to be engaged and to derive his livelihood during the twelve months following the commencement of that employment ;

and in determining under this proviso the commencement of such employment, but for that purpose only, any such employment occurring before the appointed day shall be disregarded."

Provisions added to principal regulations.

4. The following provisions shall be added after regulation 14 of the principal regulations :—

Special provisions relating to share fishermen.

" 14A.—(1) In the case of a share fisherman not employed under a contract of service to whom paragraph (1) of regulation 2 applies, the owner (or the managing owner or manager if there is more than one owner) of the fishing boat shall for the purposes of the Act be treated as his employer.

(2) Notwithstanding the provisions of section 6 of the Act (which section relates to contributions of employed persons and employers) and any regulations made thereunder, 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 boat before the share of the person so employed is ascertained.