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