PART II

Employment to be included among the excepted employments

Employment under a contract of service as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than employment as such an agent, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

Regulation 6.

THIRD SCHEDULE

Employments in respect of which persons are treated as Employers

Employments.	*Persons treated as employers.*
1. Employment in Northern Ireland in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.	1. The person from whom the use of the vehicle or vessel is so obtained.
2. Employment of a casual nature for the purposes of any game or recreation where the person so employed is engaged or paid for that employment through a club.	2. The club.

Mariners

REGULATIONS, DATED 1ST JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT (NORTHERN IRELAND), 1946.

1948. No. 205

The Ministry of Labour and National Insurance in exercise of the powers conferred by sections 25, 26, 32, 63 (1) and 76 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

General

Citation, commencement and interpretation.

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

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

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

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

"the Collection of Contributions Regulations" means the National Insurance and Industrial Injuries (Collection of Contributions) Regulations (Northern Ireland), 1948;

"the National Insurance (Mariners) Regulations" means the National Insurance (Mariners) Regulations (Northern Ireland), 1948;

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

"mariner" means a person who is an insured person under the Act by virtue of paragraphs 2, 3 or 4 of Part I of the First Schedule thereto;

"prescribed disease" means a disease or injury prescribed for the purposes of Part IV of the Act;

"home trade ship" has the same meaning as in the National Insurance (Mariners) Regulations;

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.

PART II

Insurability and Contributions

Insurability

2.—(1) Subject to the following provisions of this regulation, a mariner who neither is domiciled nor has a place of residence in the United Kingdom shall be excepted from insurance under the Act in respect of his employment as such mariner.

(2) A mariner shall not be excepted from insurance under the provisions of the last foregoing paragraph if—

(*a*) he is employed under a contract of service either as master or a member of the crew of any ship to which paragraph 2

of Part I of the First Schedule to the Act (which relates to insurability) applies; and

(*b*) he is ordinarily resident in a country included in the Schedule to these regulations:

provided that this paragraph shall not apply to a mariner who is employed as aforesaid under a British whaling contract.

(3) The foregoing provisions of this regulation shall have effect subject to any Order in Council giving effect to any reciprocal agreement made under section 84 of the Act (which section relates to reciprocal agreements with Dominions, colonies and foreign countries).

(4) The subsequent provisions of these regulations shall not apply to a mariner who is excepted from insurance under the provisions of this regulation.

Contributions.

3. Subject to the provisions of the two next following regulations, where contributions under the National Insurance Act are payable by or on behalf of, or in respect of, any person under the provisions of the National Insurance (Mariners) Regulations or of any regulations for the time being in force as to the payment of contributions under the National Insurance Act in respect of share fishermen and that person is insured under the Act as a mariner by virtue of these regulations, the contributions payable under the Act in respect of that person shall be paid at the same time and in the same manner as the contributions so payable under the National Insurance Act.

Contributions of pilots.

4. Where in any contribution week a mariner is employed as a pilot within paragraph 3 of Part I of the First Schedule to the Act, and that employment is not an employed contributor's employment for the purposes of the National Insurance Act, any contribution payable under the Act in respect thereof shall be paid in accordance with the following provisions of this regulation, that is to say:—

(*a*) the mariner himself shall pay both the employer's contribution and the insured person's contribution, and shall be treated as the employer for the purposes of regulation 8 of the Collection of Contributions Regulations (which relates to employment by two or more employers) as regards that employment;

(*b*) such contributions shall be paid by the affixing of a single stamp to a second insurance card which shall be obtained in accordance with the Collection of Contributions Regulations;

(*c*) save as aforesaid, the provisions of the Collection of Contributions Regulations shall apply as they apply to contributions as a self-employed person.

5. Notwithstanding any provisions of the Act restricting the rights of deducting or otherwise recovering the employer's contribution, employer's contributions paid in respect of a mariner who is employed as master or a member of the crew of a fishing vessel to which paragraph 2 of Part I of the First Schedule to the Act applies, and is remunerated in whole or in part by a share in the profits or gross earnings of the vessel, may be deducted from the gross earnings of the vessel before the mariner's share is ascertained. Contributions of share fishermen.

6. 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 section 2 of, and Part I of the Second Schedule to, the Act shall be reduced by one halfpenny. Contributions in respect of masters or members of the crew of ships or vessels other than home trade ships.

PART III

Benefit

7.—(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 insurable employment of any person as a mariner notwithstanding that the accident happens or the disease is contracted while such person is outside Northern Ireland. Accidents happening and diseases contracted outside Northern Ireland.

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

8. The provisions of Part II of the Act (which relates to benefit) shall, in their application to a person insured as a mariner by virtue of employment as master or a member of the crew of any ship or vessel to which paragraph 2 of Part I of the First Schedule to the Act applies, or by virtue of employment as a pilot within paragraph 3 thereof, have effect subject to the following modifications:— Special provisions as to benefit in the case of masters and members of the crew and pilots.

(*a*) Where the mariner, having been left at a port other than a proper return port on account of illness, injury, risk of infection or loss of or damage to the ship or vessel in which he was employed, subsequently returns to such a port 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, 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