
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 448

**Employer's Liability (Compulsory Insurance)
Regulations (Northern Ireland) 1999**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999 and shall come into operation on 1st January 2000.

(2) In these Regulations—

“the 1972 Order” means the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972;

“associated structure” means, in relation to an offshore installation, a vessel, aircraft or hovercraft attendant on the installation or any floating structure used in connection with the installation;

“company” has the same meaning as in Article 3 of the Companies (Northern Ireland) Order 1986(1);

“the Executive” means the Health and Safety Executive for Northern Ireland;

“inspector” means an inspector duly authorised by the Executive under Article 8(2)(b) of the 1972 Order(2);

“offshore installation” has the same meaning as in the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995;

“relevant employee” means an employee—

- (a) who is ordinarily resident in the United Kingdom; or
- (b) who, though not ordinarily resident in the United Kingdom, has been employed on or from an offshore installation or associated structure for a continuous period of not less than 7 days; or
- (c) who, though not ordinarily resident in Northern Ireland, is present in Northern Ireland in the course of employment for a continuous period of not less than 14 days; and

“subsidiary” has the same meaning as in Article 4(3) of the Companies (Northern Ireland) Order 1986.

Prohibition of certain conditions in policies of insurance

2.—(1) For the purposes of the 1972 Order(4), there is prohibited in any contract of insurance any condition which provides (in whatever terms) that no liability (either generally or in respect of a particular claim) shall arise under the policy, or that any such liability so arising shall cease, if—

(1) [S.I. 1986/1032 \(N.I. 6\)](#)

(2) Article 8(2)(b) of the 1972 Order was amended by [S.I. 1998/2795 \(N.I. 18\)](#), Article 6(1) and Schedule 1

(3) Article 4 of [S.I. 1986/1032 \(N.I. 6\)](#) was substituted by Article 62 of [S.I. 1990/1504 \(N.I. 10\)](#)

(4) See the definition of “approved policy” in Article 5(3)(a) of the 1972 Order

- (a) some specific thing is done or omitted to be done after the happening of the event giving rise to a claim under the policy;
 - (b) the policy holder does not take reasonable care to protect his employees against the risk of bodily injury or disease in the course of their employment;
 - (c) the policy holder fails to comply with the requirements of any statutory provision for the protection of employees against the risk of bodily injury or disease in the course of their employment; or
 - (d) the policy holder does not keep specified records or fails to provide the insurer with or make available to him information from such records.
- (2) For the purposes of the 1972 Order there is also prohibited in a policy of insurance any condition which requires—

- (a) a relevant employee to pay; or
 - (b) an insured employer to pay the relevant employee,
- the first amount of any claim or any aggregation of claims.

(3) Paragraphs (1) and (2) do not prohibit for the purposes of the 1972 Order a condition in a policy of insurance which requires the employer to pay or contribute any sum to the insurer in respect of the satisfaction of any claim made under the contract of insurance by a relevant employee or any costs and expenses incurred in relation to any such claim.

Limit of amount of compulsory insurance

3.—(1) Subject to paragraph (2), the amount for which an employer is required by the 1972 Order to insure and maintain insurance in respect of relevant employees under one or more policies of insurance shall be, or shall in aggregate be not less than £5 million in respect of—

- (a) a claim relating to any one or more of those employees arising out of any one occurrence; and
- (b) any costs and expenses incurred in relation to any such claim.

(2) Where an employer is a company with one or more subsidiaries, the requirements of paragraph (1) shall be taken to apply to that company with any subsidiaries together, as if they were a single employer.

Issue of certificates of insurance

4.—(1) Every authorised insurer who enters into a contract of insurance with an employer in accordance with the 1972 Order shall issue the employer with a certificate of insurance in the form, and containing the particulars, set out in Schedule 1.

(2) The certificate shall be issued by the insurer not later than thirty days after the date on which the insurance commences or is renewed.

(3) Where a contract of insurance for the purposes of the 1972 Order is entered into together with one or more other contracts of insurance which jointly provide insurance cover of no less than £5 million, the certificate shall specify both—

- (a) the amount in excess of which insurance cover is provided by the policy; and
- (b) the maximum amount of that cover.

(4) An employer shall retain each certificate issued to him under this regulation, or a copy of each such certificate, for a period of 40 years beginning on the date on which the insurance to which it relates commences or is renewed.

(5) Where the employer is a company, retaining in any eye readable form a copy of a certificate in any one of the ways authorised by Articles 671 and 672 of the Companies (Northern Ireland) Order 1986 shall count as keeping a copy of it for the purposes of paragraph (4).

(6) In any case where it is intended that a contract of insurance for the purposes of the 1972 Order is to be effective, not only in Northern Ireland, but also—

- (a) in Great Britain, the Isle of Man, the Island of Guernsey, the Island of Jersey or the Island of Alderney;
- (b) in any waters outside the United Kingdom to which the 1972 Order may have been applied by any statutory provision,

the form set out in Schedule 1 may be modified by a reference to the relevant law which is applicable and a statement that the policy to which it relates satisfies the requirements of that law.

Display and production of copies of certificates of insurance

5.—(1) Subject to paragraph (4), an employer who has been issued with a certificate in accordance with regulation 4 shall display one or more copies of it, in accordance with paragraphs (2) and (3), at each place of business at which he employs any relevant employee of the class or description to which such certificate relates.

(2) Any relevant certificate which is required to be displayed in accordance with paragraph (1), shall be displayed in such number and in such positions and be of such size and legibility that they may be easily seen and read by any relevant employees, and shall be reasonably protected from being defaced or damaged.

(3) Copies of a certificate which are required to be displayed in accordance with paragraph (1) shall be kept on display until the date of expiry or earlier termination of the approved policy mentioned in the certificate.

(4) The requirements of paragraphs (1), (2) and (3) do not apply where an employer employs a relevant employee on or from an offshore installation or associated structure, but in such a case the employer shall produce, at the request of that employee and within the period of ten days from such request, a copy of the certificate which relates to that employee.

Production of certificates of insurance

6. An employer who is required by a written notice issued by an inspector to do so shall produce or send to any person specified in the notice, at the address and within the time specified in the notice—

- (a) either the original or a copy of every certificate issued to him under regulation 4 which relates to a period of insurance current at the date of issue of the notice;
- (b) either the original or a copy of every certificate issued to him under regulation 4 and retained by him in accordance with regulation 4(4).

Inspection of policies of insurance

7. Where a certificate is required to be issued to an employer in accordance with regulation 4, the employer shall during the currency of the insurance permit the policy of insurance or a copy of it to be inspected by an inspector—

- (a) at such reasonable time as the inspector may require;
- (b) at such place of business of the employer (which, in the case of an employer who is a company, may include its registered office) as the inspector may require.

Production by inspectors of evidence of authority

8. Any inspector shall, if so required when visiting any premises for the purposes of the 1972 Order, produce to an employer or his agent some duly authenticated document showing that he is authorised by the Executive under Article 8(2)(b) of the 1972 Order.

Employers exempted from insurance

9.—(1) The employers specified in Schedule 2 are exempted from the requirement of the 1972 Order to insure and maintain insurance.

(2) The exemption applies to all cases to which that requirement would otherwise apply, except that for the employers specified in paragraph 2 of Schedule 2 it applies only so far as is mentioned in that paragraph.

Revocations and transitional

10.—(1) Subject to paragraphs (2) and (3), the Regulations specified in column 1 of Schedule 3 are hereby revoked to the extent specified in column 3 of that Schedule.

(2) Subject to paragraphs (4) and (5), in the case of an insurance policy commenced before, and current at, 1st January 2000, regulations 2 to 6 of, and the Schedule to, the 1975 Regulations shall continue to apply, instead of regulations 2 to 6 of, and Schedule 1 to, these Regulations, until the expiry or renewal of the policy or until 1st January 2001, whichever is the earlier.

(3) The certificate required to be issued by regulation 4(1) in respect of insurance commenced or renewed on or after 1st January 2000 but before 1st April 2000 may, instead of being in the prescribed form, be in the form and contain the particulars specified in the Schedule to the 1975 Regulations.

(4) Every authorised insurer who has issued a certificate in the form, and containing the particulars, specified in the Schedule to the 1975 Regulations in respect of insurance current at 1st April 2001 shall replace it by that date with a certificate in the prescribed form and the replacement shall then be the relevant certificate for the purposes of regulation 5.

(5) The certificates to which regulation 4(4) applies include any certificate of which a copy is required to be displayed or maintained by regulation 6(1) of the 1975 Regulations immediately before 1st January 2000, and any such certificate shall be treated for the purposes of regulation 6 as having been issued under regulation 4.

(6) Regulation 7 applies where a certificate is required, in accordance with paragraph (2), to be issued in accordance with the 1975 Regulations as it applies where a certificate is required to be issued in accordance with regulation 4.

(7) In this Regulation—

“in the prescribed form” means in the form, and containing the particulars, required by regulation 4(1) and (3) and Schedule 1;

“the 1975 Regulations” means the Employer’s Liability (Compulsory Insurance) General Regulations (Northern Ireland) 1975(5) as in operation on 31st December 1999.

Sealed with the Official Seal of the Department of Economic Development on 9th November 1999.

L.S.

Adrienne L. Brown
Assistant Secretary