

2005 No. 2

EMPLOYER'S LIABILITY

**The Employer's Liability (Compulsory Insurance)
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - *6th January 2005*

Coming into operation *28th February 2005*

The Department of Enterprise, Trade and Investment(a), in exercise of the powers conferred by Articles 7(c) and 10(1) of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(b) and now vested in it(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 28th February 2005.

Amendment of the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999

2. For Schedule 2 to the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999(d) there shall be substituted the Schedule set out in the Schedule to these Regulations.

Revocation

3. The Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2004(e) are hereby revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 6th January 2005.

(L.S.)

Robin McMinnis

A senior officer of the Department of Enterprise, Trade and Investment

(a) Formerly the Department of Economic Development; see S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1) Article 3(5)
(b) S.I. 1972/963 (N.I. 6)
(c) By S.R. & O. (N.I.) 1973 No. 504, Article 6 and Schedule 3
(d) S.R. 1999 No. 448
(e) S.R. 2004 No. 449

SCHEDULE

Regulation 2

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE EMPLOYER'S LIABILITY (COMPULSORY INSURANCE) REGULATIONS (NORTHERN IRELAND) 1999

“SCHEDULE 2

Regulation 9

EMPLOYERS EXEMPTED FROM INSURANCE

1. Any district council.
2. Any Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(a).
3. Any employer to the extent that he is required by paragraph (1) of Article 5 of the 1972 Order to insure and maintain insurance against liability for personal injury suffered by his employee when the employee is –
 - (i) carried in or upon a motor vehicle; or
 - (ii) entering or getting on to, or alighting from, a motor vehicle,in the circumstances specified in that paragraph and where that personal injury is caused by, or arises out of, the use by the employer of a motor vehicle on a road; and the expressions “road” and “motor vehicle” have the same meanings as in Part I of the Road Traffic (Northern Ireland) Order 1995(b).
4. Any employer which is a company that has only one employee and that employee also owns fifty per cent or more of the issued share capital in that company.
5. Any Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(c).
6. Any subsidiary of any such body as is mentioned in Article 7(b) of the 1972 Order (which exempts any body corporate established by or under any statutory provision for the carrying on of any industry or part of an industry, or of any undertaking, under public ownership or control) and any company of which two or more such bodies are members and which would, if these bodies were a single body corporate, be a subsidiary of that body corporate.
7. Economic Research Institute of Northern Ireland Limited.
8. General Consumer Council for Northern Ireland.
9. Ilex Urban Regeneration Company Limited.
10. Invest Northern Ireland.
11. Northern Ireland Legal Services Commission.
12. Northern Ireland Medical and Dental Training Agency.
13. Northern Ireland Tourist Board.
14. Planning Appeals Commission.
15. Strategic Investment Board.
16. The Fire Authority for Northern Ireland.
17. The Guardian Ad Litem Special Agency.
18. The Local Government Staff Commission for Northern Ireland.
19. The Mental Health Commission for Northern Ireland.

(a) S.I. 1986/594 (N.I. 3); Article 3 was amended by S.I. 1989/2406 (N.I. 20)

(b) S.I. 1995/2994 (N.I. 18)

(c) S.I. 1972/1265 (N.I. 14)

20. The Northern Ireland Blood Transfusion Service Special Agency.
21. The Northern Ireland Central Services Agency.
22. The Northern Ireland Council for the Curriculum, Examinations and Assessment.
23. The Northern Ireland Local Government Officers' Superannuation Committee.
24. The Northern Ireland Practice and Education Council For Nursing and Midwifery.
25. The Northern Ireland Social Care Council.
26. The Regional Medical Physics Agency.
27. The Staffs Council for Health and Personal Social Services.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999 ("the 1999 Regulations"). The 1999 Regulations specify employers who are exempted from the requirements of Part III of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 ("the 1972 Order") to insure and maintain insurance against liability for personal injury suffered by their employees and arising out of and in the course of their employment. The specified employers are certain public bodies; the specified classes of employer include any employer to the extent that he is required to insure under a compulsory motor insurance scheme by virtue of the fact that his employees are carried on, or are alighting from or are entering into, a motor vehicle. The exemptions specified in the 1999 Regulations are additional to those contained in Article 7 of the 1972 Order.

- These Regulations add to the exemptions specified in Schedule 2 to the 1999 Regulations –
- (i) any employer which is a company that has only one employee and that employee also owns fifty per cent or more of the issued share capital in that company; and
 - (ii) the Northern Ireland Legal Services Commission.

These regulations reduce costs on businesses; an assessment of this impact has been made. In Great Britain the corresponding Regulations are the Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2004 (S.I. 2004/2882). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in relation to those Regulations. A copy of that assessment together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR from where a copy may be obtained on request.

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