

EXPLANATORY MEMORANDUM TO
The Employer's Liability (Compulsory Insurance) (Amendment)
Regulations (Northern Ireland) 2011

S.R. 2011 No. 427

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment ("DETI") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 7(c) and 10 of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 ("the 1972 Order") and is subject to negative resolution procedure.

2. Purpose

2.1 The Rule will introduce a new Schedule to be substituted for Schedule 2 to the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 448) ("the 1999 Regulations") which specifies those employers exempted from employer's liability insurance under the 1972 Order. It is proposed to update the existing Schedule by removing the Economic Research Institute of Northern Ireland which closed in July 2011 and adding the General Teaching Council for Northern Ireland, the Youth Council for Northern Ireland, the Council for Catholic Maintained Schools and the Staff Commission for Education and Library Boards.

2.2 The Rule will also revoke the Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 85).

3. Background

3.1 The 1999 Regulations were made under the 1972 Order which requires most employers to insure against liability for injury or disease to their employees arising out of their employment. The requirement for eligible businesses to obtain Employer's Liability Compulsory Insurance (ELCI) is enforced by the Health and Safety Executive for Northern Ireland (HSENI).

4. Consultation

4.1 As these Regulations are purely technical in nature a consultation was not necessary.

5. Equality Impact

5.1 The Rule has no equality implications.

6. Regulatory Impact

6.1 An Impact Assessment has not been prepared for this Rule as there is no impact on business, charities or voluntary bodies.

7. Financial Implications

7.1 The Rule will have no effect on business and there are no cost implications for the Department of Enterprise, Trade and Investment.

8. Section 24 of the NI Act 1998

8.1 The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

9. EU Implications

9.1 None. This Statutory Rule does not implement any European Directives.

10. Parity or Replicatory Measure

10.1 Although Great Britain has the equivalent to the Northern Ireland 1972 Order and the 1999 Regulations, the amendment to the Rule is unique to Northern Ireland as it involves only those Non – Departmental Public Bodies that fall within the remit of Northern Ireland Departments.

11. Additional Information

11.1 Not applicable.

Department of Enterprise, Trade and Investment

December 2011