

2003 No. 426

EMPLOYER'S LIABILITY

**Employer's Liability (Compulsory Insurance) Exemption
(Amendment) Regulations (Northern Ireland) 2003**

Made - - - - - 29th September 2003

Coming into operation 10th November 2003

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 every other power 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) Exemption (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 10th November 2003.

Interpretation

2. In these Regulations "the principal Regulations" means the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999^(d).

Amendments to the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 9(2), for the words "paragraph 2" there shall be substituted the words "paragraph 3".

(3) Schedule 2 shall be substituted by the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 29th September 2003.

(L.S.)

Michael J. Bohill

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

SCHEDULE

Regulation 3

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

“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 Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(c).
5. 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.
6. The Fire Authority for Northern Ireland.
7. The Guardian Ad Litem Special Agency.
8. The Local Government Staff Commission for Northern Ireland.
9. The Mental Health Commission for Northern Ireland.
10. The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland.
11. The Northern Ireland Blood Transfusion Service Special Agency.
12. The Northern Ireland Central Services Agency.
13. The Northern Ireland Council for the Curriculum, Examinations and Assessment.
14. The Northern Ireland Council for Postgraduate Medical and Dental Education.
15. The Northern Ireland Local Government Officers’ Superannuation Committee.
16. The Northern Ireland Social Care Council.
17. Planning Appeals Commission.
18. The Regional Medical Physics Agency.
19. The Staffs Council for Health and Personal Social Services.”

(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)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employer's Liability (Compulsory Insurance) Regulations (Northern Ireland) 1999 ("the principal Regulations"). The principal 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 principal Regulations are additional to those contained in Article 7 of the 1972 Order.

These Regulations add to the exemptions specified in the 1999 Regulations so as to exempt the Fire Authority for Northern Ireland; the Mental Health Commission for Northern Ireland and the Northern Ireland Social Care Council.

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