Employers' Liability (Compulsory Insurance) Act 1969

1969 CHAPTER 57

An Act to require employers to insure against their liability for personal injury to their employees; and for purposes connected with the matter aforesaid. [22nd October 1969]

Modifications etc. (not altering text)

C1 Act restricted (22.5.2000) by 1999 c. 33, s. 83(7), **Sch. 5 para. 17(4)**; S.I. 2000/1282, art. 2, **Sch.**
Act restricted (*prosp.*) by 2002 c. 30, ss. 9, 108(2)-(5), **Sch. 2 para. 7(2)**

C2 Power to apply Act conferred by Mineral Workings (Offshore Installations) Act 1971 (c. 61), s. 6(3), **Sch. para. 4(2)**

C3 Act excluded by Sex Discrimination Act 1975 (c. 65), **Sch. 3 para. 10**, and Race Relations Act 1976 (c. 74), **Sch. 1 para. 11**

C4 Act restricted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 83(2), **Sch. 4 para. 8**

C5 Act restricted by Employment Act 1988 (c. 19, SIF 43:5), s. 19(2), **Sch. 1 para. 6**
Act restricted (1.7.1996) by 1991 c. 53, **Sch. 5 para. 5(4)** (as substituted by 1994 c. 33, s. 168(2), **Sch. 10**; S.I. 1996/1608, **art. 2**)
Act restricted (1.4.1999) by 1996 c. 16, s. 66, **Sch. 5 para. 8**; S.I. 1999/533, **arts. 2**, 3

C6 Act excluded by Broadcasting Act 1990 (c. 42, SIF 96), ss. 142(4), 151(3), 183(7), Sch. 13 para. 8(6), Sch. 14 para. 9(6), **Sch. 19 para. 7(3)**

C7 Act excluded (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss. 269(4)**, 302 (with s. 300(3), Sch. 3)
Act excluded (1.3.2000) by 1998 c. 29, s. 6(7), **Sch. 5 para. 4(6)**; S.I. 2000/183, **art. 2(2)**

C8 Act applied (with modifications) (20.6.1995) by S.I. 1995/738, **reg. 21**

C9 Act amended (1.4.1997) by 1996 c. 55, s. 106(3), **Sch. 3 para. 10(6)** (with s. 43(6); S.I. 1997/1005, **art. 4**

Commencement Information

I1 Act not in force at Royal Assent see s. 7(3)

Status: *Point in time view as at 01/04/1996.*
Changes to legislation: *Employers' Liability (Compulsory Insurance) Act 1969 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1 Insurance against liability for employees.

(1) Except as otherwise provided by this Act, every employer carrying on any business in Great Britain shall insure, and maintain insurance, under one or more approved policies with an authorised insurer or insurers against liability for bodily injury or disease sustained by his employees, and arising out of and in the course of their employment in Great Britain in that business, but except in so far as regulations otherwise provide not including injury or disease suffered or contracted outside Great Britain.

(2) Regulations may provide that the amount for which an employer is required by this Act to insure and maintain insurance shall, either generally or in such cases or classes of case as may be prescribed by the regulations, be limited in such manner as may be so prescribed.

(3) For the purposes of this Act—

(a) "approved policy" means a policy of insurance not subject to any conditions or exceptions prohibited for those purposes by regulations;

(b) "authorised insurer" means a person or body of persons lawfully carrying on in **[**[F1]the United Kingdom insurance business of a class specified in Schedule 1 or 2 to the Insurance Companies Act **[**[F2]1982**]][**[F3], or, being an insurance company the head office of which is in a member State, lawfully carrying on in a member State other than the United Kingdom insurance business of a corresponding class,**]**and issuing the policy or policies in the course thereof;

(c) "business" includes a trade or profession, and includes any activity carried on by a body of persons, whether corporate or unincorporate;

(d) except as otherwise provided by regulations, an employer not having a place of business in Great Britain shall be deemed not to carry on business there.

Textual Amendments

F1 Words substituted by Insurance Companies Act 1981 (c. 31, SIF 67),s. 36, Sch. 4 Pt. II para. 19

F2 Figure substituted by Insurance Companies Act 1982 (c. 50, SIF 67),s. 99(2), Sch. 5 para. 8

F3 Words in s. 1(3)(b) inserted (19.11.1992) by S.I. 1992/2890, **reg. 11(1)**

Modifications etc. (not altering text)

C10 Definition of "authorised insurer" in s. 1(3)(b) extended by S. I. 1977/1552, **Sch. 3 para. 7**

2 Employees to be covered.

(1) For the purposes of this Act the term "employee" means an individual who has entered into or works under a contract of service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise, whether such contract is expressed or implied, oral or in writing.

(2) This Act shall not require an employer to insure—

(a) in respect of an employee of whom the employer is the husband, wife, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister; or

(b) except as otherwise provided by regulations, in respect of employees not ordinarily resident in Great Britain.

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3 Employers exempted from insurance.

(1) This Act shall not require any insurance to be effected by—

(a) any such authority as is mentioned in subsection (2) below; or

(b) any body corporate established by or under any enactment for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control; or

(c) in relation to any such cases as may be specified in the regulations, any employer exempted by regulations.

(2) The authorities referred to in subsection (1)(a) above are **[**[F4](a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, and a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act 1978; and (b)**]**the Common Council of the City of London, . . . [F5] the council of a London borough, the council of a county, . . . [F6] or **[**[F7]district**]** in England **[**[F8]the council of a county or county borough in Wales,**][**[F9]the Broads Authority**][**[F10]a National Park authority**]**, **[**[F11]a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in**]** Scotland, any joint board or joint committee in England and Wales or joint committee in Scotland which is so constituted as to include among its members representatives of any such council **[**[F12]the Strathclyde Passenger Transport Authority**][**[F13] . . . [F14],any joint authority established by Part IV of the Local Government Act 1985**]**, and any police authority.

Textual Amendments

F4 Words expressed to be inserted after the words "subsection (1)(a) above" (1. 4. 1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60(2), **Sch. 8 para. 1**

F5 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F6 Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), s. 272, **Sch. 30**

F7 Word substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), **s. 179(3)**

F8 Words in s. 3(2)(b) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 37** (with ss. 54(5)(7), 55(5), SCh. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F9 Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 8:1), s. 21, **Sch. 6 para. 7**

F10 Words in s. 3(2) inserted (E.W) (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 9** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F11 Words in s. 3(2)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 83(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**

F12 Words in s. 3(2)(b) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 83(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**

F13 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 46**

F14 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

C11 S. 3(1) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 14**(*b*)
S. 3(1) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2), **Sch. 13 para. 24(d)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2))

C12 S. 3(2) extended by S. I. 1985/1884, art. 10, **Sch. 3 para. 4**(*g*)

C13 S. 3(2) extended by S. I. 1987/2110, art. 2, **Sch. 1 para. 8(d)**

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4 Certificates of insurance.

(1) Provision may be made by regulations for securing that certificates of insurance in such form and containing such particulars as may be prescribed by the regulations, are issued by insurers to employers entering into contracts of insurance in accordance with the requirements of this Act and for the surrender in such circumstances as may be so prescribed of certificates so issued.

(2) Where a certificate of insurance is required to be issued to an employer in accordance with regulations under subsection (1) above, the employer (subject to any provision made by the regulations as to the surrender of the certificate) shall during the currency of the insurance and such further period (if any) as may be provided by regulations—

(a) comply with any regulations requiring him to display copies of the certificate of insurance for the information of his employees;

(b) produce the certificate of insurance or a copy thereof on demand to any inspector duly authorised by the Secretary of State for the purposes of this Act and produce or send the certificate or a copy thereof to such other persons, at such place and in such circumstances as may be prescribed by regulations;

(c) permit the policy of insurance or a copy thereof to be inspected by such persons and in such circumstances as may be so prescribed.

(3) A person who fails to comply with a requirement imposed by or under this section shall be liable on summary conviction to a fine not exceeding **[**[F15]level 3 on the standard scale**]**.

Textual Amendments

F15 Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), **Sch. 2 Pt. II** it is provided (S.) (1.4.1996) that s. 4(3) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 3 on that standard scale instead of a fine not exceeding £50

5 Penalty for failure to insure.

An employer who on any day is not insured in accordance with this Act when required to be so shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding **[**[F16]level 4 on the standard scale**]**; and where an offence under this section committed by a corporation has been committed with the consent or connivance of, or facilitated by any neglect on the part of, any director, manager, secretary or other officer of the corporation, he, as well as the corporation shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

F16 Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), **Sch. 2 Pt. II** it is provided (S.) (1.4.1996) that s. 5 shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on that standard scale instead of a fine not exceeding £200

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6 Regulations.

(1) The Secretary of State may by statutory instrument make regulations for any purpose for which regulations are authorised to be made by this Act, but any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Any regulations under this Act may make different provision for different cases or classes of case, and may contain such incidental and supplementary provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the regulations.

7 Short title, extent and commencement.

(1) This Act may be cited as the Employers' Liability (Compulsory Insurance) Act 1969.

(2) This Act shall not extend to Northern Ireland.

(3) This Act shall come into force for any purpose on such date as the Secretary of State may by order contained in a statutory instrument appoint, and the purposes for which this Act is to come into force at any time may be defined by reference to the nature of an employer's business, or to that of an employee's work, or in any other way.

Modifications etc. (not altering text)

C14 1.1.1972 appointed under s. 7(3) by S. I. 1971/1116

Status:
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