
S T A T U T O R Y I N S T R U M E N T S

1972 No. 1433

SOCIAL SECURITY

**The National Insurance (Industrial Injuries)
(Insurable and Excepted Employments) Regulations 1972**

Made - - - 21st September 1972

Laid before Parliament 3rd October 1972

Coming into Operation 30th October 1972

The Industrial Injuries Joint Authority, with the consent of the Treasury so far as relates to matters with regard to which such consent is required, in exercise of the powers conferred by Schedule 1 to the National Insurance (Industrial Injuries) Act 1965(a), and the Secretary of State for Social Services, in exercise of his powers under section 79 of that Act, and of all other powers enabling them in that behalf, and for the purpose only of consolidating the regulations hereby revoked, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1972, and shall come into operation on 30th October 1972.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance (Industrial Injuries) Act 1965;

“the Secretary of State” means the Secretary of State for Social Services;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, nurseries and out-patient departments maintained in connection with any such institution or home as aforesaid;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall, except in so far as the context otherwise requires, be construed as including references to such enactment or regulations as amended or extended by or under any other enactment, order or regulations and as including references to any enactment or regulations thereby consolidated.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply in relation to this instrument and in relation to any revocation effected thereby as if this instrument, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

(a) 1965 c. 52.

(b) 1889 c. 63.

Insurable employments

2. Part I of Schedule 1 to the Act (insurable employments) shall have effect as if each of the paragraphs thereof specified in column 1 of Part I of Schedule 1 to these regulations included the employment or employments set out in respect of such paragraph in column 2 of the said Part of Schedule 1 hereto.

Excepted employments

3. Part II of Schedule 1 to the Act (excepted employments) shall have effect as if paragraph 1 thereof (employment under a public or local authority) included the employments set out in Part II of Schedule 1 to these regulations.

Employments to be included among the insurable employments

4. The employments specified in column 1 of Part I of Schedule 2 to these regulations, being employments which, apart from this regulation, would not be insurable under the Act and which are such that it appears to the Secretary of State that—

- (a) the nature and other circumstances of the service rendered and the work performed therein and in employment which is insurable under the Act are so similar as to result in anomalies in the operation of the Act; and
- (b) the employments so specified can conveniently be included among the insurable employments;

shall be included among the insurable employments:

Provided that any employment specified in paragraph 1 of the said column 1 shall not be so included if the person employed therein is a person specified in the corresponding paragraph of column 2 of the said Part.

Employment to be included among the excepted employments

5. The employment specified in Part II of Schedule 2 to these regulations, being employment which, apart from this regulation, would be insurable under the Act and which is such that it appears to the Secretary of State that—

- (a) the nature and other circumstances of the service rendered and the work performed therein and in employment which is not insurable under the Act are so similar as to result in anomalies in the operation of the Act; and
- (b) the employment so specified can conveniently be included among the excepted employments;

shall be included among the excepted employments.

Persons to be treated as employers

6. In relation to any insured person who is employed in any employment specified in column 1 of Schedule 3 to these regulations, the person specified opposite thereto in column 2 of that Schedule shall, for the purposes of the Act, be treated as that person's employer in that employment.

Revocations and general savings

7.—(1) The regulations specified in column 1 of Schedule 4 to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun

under any such regulation may be continued under these regulations as if begun under these regulations.

(3) Nothing in paragraph (2) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeals) with regard to the effect of revocations.

Given under the official seal of the Industrial Injuries Joint Authority.

(L.S.)

N. Hanson,
Secretary,
Industrial Injuries Joint Authority.

18th September 1972.

Keith Joseph,
Secretary of State for Social Services.

19th September 1972.

We consent.

P. L. Hawkins,
V. H. Goodhew,
Two of the Lords Commissioners of
Her Majesty's Treasury.

21st September 1972.

Regulations 2 and 3

SCHEDULE 1

PART I

INSURABLE EMPLOYMENTS

<i>Paragraphs of Part I of Schedule 1 to the Act</i>	<i>Employments to be included as insurable employments</i>
Paragraph 13 (employment in connection with fire brigades and similar organisations).	Employment in Great Britain as a member, or as a person training to become a member, of any fire brigade, first aid party, salvage party or air raid precautions party at a mine or quarry or at any premises to which any of the provisions of the Factories Act 1961(a), applies, or at a shop, office or other premises used solely for business or commercial purposes, in any case in which such organisation is established in pursuance of an obligation imposed under statute or by or with the consent of the owner or occupier of any such mine, quarry or other premises.

PART II

EXCEPTED EMPLOYMENTS

Employment in Great Britain, not being employment under a contract of service, under a public or local authority constituted in Great Britain, where the service ordinarily performed by the person employed in that employment (or, if he is employed in more than one such employment or he is also employed in any employment specified in paragraph 1 of column 1 of Part I of Schedule 2 to these regulations, the aggregate service performed by him in those employments) is part-time service only, or where that employment is—

- (a) as a medical practitioner or dental practitioner on the list of an Executive Council under the National Health Service Act 1946(b), or the National Health Service (Scotland) Act 1947(c);
- (b) as a chaplain or other minister of religion;
- (c) otherwise than as an officer or servant of a public or local authority or as a constable:

Provided that this Part of this Schedule shall not apply to employment as a special constable.

(a) 1961 c. 34.
(c) 1947 c. 27.

(b) 1946 c. 81.

SCHEDULE 2

Regulations 4 and 5

PART I

Employments which, subject to the exceptions in column 2 of this Part of this Schedule, are to be included among the insurable employments

1. Employment—

(a) in England and Wales as superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births and deaths, or registrar or deputy registrar of marriages;

(b) in Scotland as senior registrar, district registrar, or assistant registrar of births and deaths and marriages.

2. Employment of a medical practitioner or a dental practitioner—

(a) involving whole-time service in any hospital; or

(b) in which he is wholly or mainly engaged and is remunerated by salary; or

(c) being employment by a Regional Hospital Board or a Board of Governors of a Teaching Hospital constituted under the National Health Service Act 1946, where he is employed in any two or more such employments and is wholly or mainly engaged in such employments in the aggregate and is remunerated by salary.

3. Employment as a person appointed for the purposes of section 123(1) of the Mines and Quarries Act 1954(a) by the workmen employed in a mine or quarry to which that Act applies.

4. Employment of a person in pursuance of an Agreement dated the 3rd March 1941, and made between the Mining Association of Great Britain and the Mineworkers' Federation of Great Britain, as amended by an Agreement dated the 5th December 1946 (which substituted the National Coal Board and the National Union of Mineworkers respectively as parties thereto)—

(a) as full-time or part-time inspector of a mine; or

(b) for the purpose of accompanying any such inspector on the inspection of a mine.

Persons in whose case the employments specified in column 1 of this Part of this Schedule are not to be included among the insurable employments

1. Any person in employment specified in paragraph 1 of Part I of this Schedule who is not wholly or mainly engaged in such employment or, if he is employed in more than one such employment or is also employed in any employment (not being under a contract of service) under a public or local authority constituted in Great Britain, is not wholly or mainly engaged in such employments in the aggregate.

2. None.

3. None.

4. None.

Employments which, subject to the exceptions in column 2 of this Part of this Schedule, are to be included among the insurable employments

5. Employment—

(a) as a master or registrar or assistant master or assistant registrar of the Supreme Court of Judicature (including employment as a district registrar or assistant district registrar); or

(b) as a whole-time registrar or whole-time assistant registrar under the County Courts Act 1959(a).

6. Employment in or about a mine or quarry of any person (being a person nominated pursuant to section 116(1) of the Mines and Quarries Act 1954 or a person nominated by such a person for the purposes of such employment) in attending at any place at which an accident or dangerous occurrence has happened or in performing any other duty, pursuant to any consent given by an inspector for the purposes of section 120 of that Act.

7. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling-house.

8. Employment (not being employment which, under the other provisions of these regulations, is included among the insurable employments) in which the person employed renders, or is under an obligation to render, personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including, in the case of a body of persons unincorporate, a body of which the person employed is a member) and—

(a) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person; or

(b) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed.

Persons in whose case the employments specified in column 1 of this Part of this Schedule are not to be included among the insurable employments

5. Any person in employment as deputy for a person holding any office specified in paragraph 5 of Part I of this Schedule.

6. None.

7. None.

8. Any person in employment specified in paragraph 8 of Part I of this Schedule—

(a) where the service of the person employed is rendered in his own home or on other premises not under the control or management of the person to whom the person employed is supplied (except where such other premises are premises at which the person employed is required, by reason of the nature of the service, to render service); or

(b) who is employed as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model; or

(c) in a case where remuneration is not paid by or through, or on the basis of accounts submitted by, that third person—

(i) where the person employed has obtained that employment through a third person as part of that third person's activities

Employments which, subject to the exceptions in column 2 of this Part of this Schedule, are to be included among the insurable employments

Persons in whose case the employments specified in column 1 of this Part of this Schedule are not to be included among the insurable employments

in which persons seeking employment are introduced to persons requiring their services; and

(ii) where as a result of such an introduction the person employed and the person to whom he has been introduced have entered into a contract with each other for the rendering of such service; and

(iii) where only the person employed and the person to whom he has been introduced have a direct financial interest in the continued employment in that employment of the person employed.

PART II

Employment to be included among the excepted employments

Employment under a contract of service as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some occupation other than employment as such an agent, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

Regulation 6

SCHEDULE 3

EMPLOYMENTS IN RESPECT OF WHICH PERSONS ARE TREATED AS EMPLOYERS

Employments

1. Employment in Great Britain in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.

2. Employment of a casual nature for the purposes of any game or recreation where the person so employed is engaged or paid for that employment through a club.

3. Employment—

(a) in England and Wales as superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births and deaths, or registrar or deputy registrar of marriages;

(b) in Scotland as senior registrar, district registrar or assistant registrar of births and deaths and marriages.

4. Employment as a person appointed for the purposes of section 123(1) of the Mines and Quarries Act 1954(b) by the workmen employed in a mine or quarry to which that Act applies.

5. Employment of a person in pursuance of an Agreement dated the 3rd March 1941, and made between the Mining Association of Great Britain and the Mineworkers' Federation of Great Britain, as amended by an Agreement dated the 5th December 1946 (which substituted the National Coal Board and the National Union of Mineworkers respectively as parties thereto)—

(a) as full-time or part-time inspector of a mine; or

(b) for the purpose of accompanying any such inspector on the inspection of a mine.

6. Employment in or about a mine or quarry of any person (being a person nominated pursuant to section 116(1) of the Mines and Quarries Act 1954 or a person nominated by such a person for the purposes of such employment) in attending at any place at which an accident or dangerous occurrence has happened or in performing any other duty, pursuant to any consent given by an inspector for the purposes of section 120 of that Act.

Persons treated as employers

1. The person from whom the use of the vehicle or vessel is so obtained.

2. The club.

3. (a) In England and Wales, the local authority in whose employment the person employed is deemed to be an officer for the purposes of the Local Government Superannuation Act 1937(a);

(b) in Scotland, the council of the county or large burgh within which the whole or the greater part of the registration area of the officer is situate.

4, 5 and 6. The person or body from whom the pecuniary remuneration in respect of the employment is received.

(a) 1937 c. 68.

(b) 1954 c. 70.

Employments

7. Employment as an office cleaner or in any similar capacity in any premises other than those used as a private dwelling-house.

8. Employment (not being employment which by virtue of paragraph 8 of column 2 of Part I of Schedule 2 to these regulations is not included among the insurable employments or an employment to which any other paragraph of this Schedule applies) in which the person employed renders or is under an obligation to render personal service and is subject to supervision, direction or control, or to the right of supervision, direction or control, as to the manner of the rendering of such service and where the person employed is supplied by or through some third person (including in the case of a body of persons unincorporate, a body of which the person employed is a member) and—

(a) where remuneration for such service is paid by or through, or on the basis of accounts submitted by, that third person or in accordance with arrangements made with that third person; or

(b) where payments, other than to the person employed, are made by way of fees, commission or other payments of like nature which relate to the continued employment in that employment of the person employed.

Persons treated as employers

7. (a) Where the person employed is supplied by, or through the agency of, some third person and receives his remuneration from, or through the agency of that third person, that third person;

(b) in any other case, the person with whom the person employed contracted to do the work.

8. (a) In England and Wales where the person employed is supplied by or through the agency of a body of persons unincorporate and the person employed is a member of that body, the other members of that body, and in any other case, the third person by whom or through whose agency the person employed is supplied;

(b) in Scotland, the third person by whom or through whose agency the person employed is supplied.

Regulation 7(1)

SCHEDULE 4

Column 1 Regulations revoked	Column 2 Reference	Column 3 Extent of revocation
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1948.	S.I. 1948/1456 (Rev. XVI, p. 423; 1948 I, p. 2985).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1950.	S.I. 1950/1468 (1950 II, p. 38).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1951.	S.I. 1951/2076 (1951 I, p. 1506).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1952.	S.I. 1952/495 (1952 II, p. 2236).	The whole regulations.
The National Insurance (Industrial Injuries) Mariners (Insurability) Regulations 1954.	S.I. 1954/782 (1954 I, p. 1436).	Regulation 5 in so far as it relates to the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations 1948 and the National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1949.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1957.	S.I. 1957/2180 (1957 II, p. 1737).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1960.	S.I. 1960/839 (1960 II, p. 2378).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1961.	S.I. 1961/383 (1961 I, p. 576).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1968.	S.I. 1968/1723 (1968 III, p. 4648).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1970.	S.I. 1970/222 (1970 I, p. 951).	The whole regulations.
The National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations 1971.	S.I. 1971/1729 (1971 III, p. 4713).	The whole regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purpose only of consolidating the Regulations hereby revoked and accordingly, by virtue of section 62(3)(b) of the National Insurance (Industrial Injuries) Act 1965, no reference of them has been made to the Industrial Injuries Advisory Council.

These Regulations provide for the inclusion of certain specified employments among the insurable employments under the National Insurance (Industrial Injuries) Act 1965, and of certain other specified employments among the employments which are excepted from insurance under that Act; and prescribe the persons to be treated as employers of insured persons in respect of certain specified employments.

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