

2009 No. 85

EMPLOYER'S LIABILITY

**The Employer's Liability (Compulsory Insurance)
(Amendment) Regulations (Northern Ireland) 2009**

Made - - - -

9th March 2009

Coming into operation -

1st April 2009

The Department of Enterprise, Trade and Investment(**a**) makes the following Regulations in exercise of the powers conferred by Articles 7(c), 8(2) and 10 of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(**b**) and now vested in it(**c**) (including those provisions as applied with any relevant modifications and extensions by regulation 21 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(**d**)).

Citation and commencement

1. These Regulations may be cited as the Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 1st April 2009.

Interpretation

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

Amendments to the Principal Regulations

3.—(1) The principal Regulations are amended as follows.

(2) In regulation 4 (issue of certificates of insurance), omit paragraphs (4) and (5).

(3) In regulation 5 (display and production of copies of certificates of insurance), for paragraphs (1) and (2) substitute—

“(1) An employer who has been issued with a certificate under regulation 4 must display one or more copies of it at each place of business at which he employs any relevant employee of the class or description to which such certificate relates.

(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), as amended by S.R. 1995 No. 340 and S.I. 1998/2795 (N.I. 18)
(c) By S.R. & O. (N.I.) 1973 No. 504, Article 6 and Schedule 3
(d) S.R. 1995 No. 340. This applies the 1972 Order to certain employees employed for work on or from offshore installations or associated structures, in the course of activities undertaken on or in connection with such installations, with modifications and extensions
(e) S.R. 1999 No. 448

(2) The requirements in paragraph (1) will be satisfied if the certificate is made available in electronic form and each relevant employee to whom it relates has reasonable access to it in that form.”.

(4) In regulation 6(b) (production of certificates of insurance) omit “and retained by him in accordance with regulation 4(4)”.

(5) For Schedule 2 substitute the Schedule set out in the Schedule to these Regulations.

Revocation

4. The Employer’s Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2006(a) are revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 9th March 2009



Michael J. Bohill

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

(a) S.R. 2006 No. 298

SCHEDULE

Regulation 3

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 1 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 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. Economic Research Institute of Northern Ireland Limited.
7. General Consumer Council for Northern Ireland.
8. Ilex Urban Regeneration Company Limited.
9. Invest Northern Ireland.
10. Northern Ireland Judicial Appointments Commission.
11. Northern Ireland Legal Services Commission.
12. Northern Ireland Medical and Dental Training Agency.
13. Northern Ireland Tourist Board.

(a) S.I. 1986/594 (N.I. 3); Article 3 was amended by S.I. 1989/2406 (N.I. 20) and repealed in part by 2008 c. 8
(b) S.I. 1995/2994 (N.I. 18)

14. Planning Appeals Commission.
15. Strategic Investment Board.
16. The Agri-food and Biosciences Institute.
17. The Charity Commission for Northern Ireland.
18. The Guardian Ad Litem Special Agency.
19. The Health and Social Care Regulation and Quality Improvement Authority.
20. The Local Government Staff Commission for Northern Ireland.
21. The Northern Ireland Blood Transfusion Service Special Agency.
22. The Northern Ireland Council for the Curriculum, Examinations and Assessment.
23. The Northern Ireland Fire and Rescue Service Board.
24. The Northern Ireland Library Authority.
25. The Northern Ireland Local Government Officers' Superannuation Committee.
26. The Northern Ireland Practice and Education Council For Nursing and Midwifery.
27. The Northern Ireland Social Care Council.
28. The Patient and Client Council.
29. The Regional Agency for Public Health and Social Well-being.
30. The Regional Business Services Organisation.
31. The Regional Health and Social Care Board.
32. The Regional Medical Physics Agency.”

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.

The Regulations omit regulation 4(4) and (5) of the 1999 Regulations. Paragraph (4) required an employer to retain a copy of its employer liability insurance certificate for forty years. Paragraph (5) was a consequential provision to paragraph (4), providing for the retention of certificates, and is therefore also being omitted (*regulation 3(2)*).

The Regulations substitute regulation 5(1) and (2) of the 1999 Regulations. Under the new provisions, the requirements for the display of the certificate will be satisfied if the certificate is made available in electronic form and is reasonably accessible to the relevant employees (*regulation 3(3)*).

The Regulations make a consequential amendment to regulation 6(b) of the 1999 Regulations (*regulation 3(4)*).

The Regulations remove the Health and Social Services Boards established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), the Mental Health Commission for Northern Ireland, the Northern Ireland Central Services Agency, and the Staffs Council for Health and Personal Social Services from the exemptions specified in Schedule 2 to the 1999 Regulations and replace these with the following bodies:-

- (i) The Health and Social Care Regulation and Quality Improvement Authority;
- (ii) The Patient and Client Council;
- (iii) The Regional Agency for Public Health and Social Well-being;
- (iv) The Regional Business Services Organisation; and
- (v) The Regional Health and Social Care Board.

Also added to the exemptions specified in Schedule 2 to the 1999 Regulations are:-

- (vi) The Charity Commission for Northern Ireland; and
- (vii) The Northern Ireland Library Authority.

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