

EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969**Notice to Shipowners and Owners of Fishing Vessels**

This Notice supersedes Notice No. M.749

The Employers' Liability (Compulsory Insurance) Act 1969 requires every employer, unless exempt, to insure against liability for bodily injury or disease sustained by his employees in the course of their employment, and to maintain this insurance.

The Employers' Liability (Compulsory Insurance) General Regulations, 1971, made under this Act, requires insurers to issue the insured employer with a Certificate of Insurance which must be displayed at each place of business for the information of employees. The Certificates, or copies, must be displayed prominently, and suitably protected, and in sufficient numbers so that one may be easily seen and read by every employee. The Certificate shows the date of expiry of the policy, and the employer will be issued with a fresh Certificate upon renewal of the insurance. The Certificate must not be displayed after expiry or when the policy is cancelled. Employees can see, therefore, whether their employer is currently insured.

Shipowners and owners of fishing vessels are included in respect of employment in Great Britain and in the areas within the baseline from which territorial waters are measured (i.e., inside all harbours and bays (up to a line not exceeding 24 miles in length drawn across the bay)) and subject to the exceptions given below. Persons working on off shore installations and on vessels, aircraft or hovercraft attendant on the installations, or any floating structure used in connection with it are also covered. Details of the installations covered by this requirement are given in the Offshore Installations (Application of the Employers' Liability (Compulsory Insurance) Act 1969) Regulations 1975 (SI 1975 No. 1289). There is a general exemption from the provisions of this Act for the Nationalised Industries, Local Authorities and Police Authorities. In addition, the Act only applies to employers who have employees who are not close relatives (see the note below), but a limited liability company will require insurance if any person is employed. Thus, share fishermen with no employed hands, will not require compulsory insurance.

An exception to the general requirement of the Act that applies specifically to sea-farers, concerns employers who are insured with a mutual insurance association of shipowners, sometimes known as Protection and Indemnity Clubs (P & I Clubs). This is an alternative to insurance under the Act—an employer must have one kind of insurance or the other, or he would be in breach of the Act.

In the case of an employer insured with a P & I Club, there is no requirement to display a Certificate. Such insurance would cover the employer against liability to his employees while they were in port and at sea, whether inside or outside the 3-mile limit of territorial waters.

The Act does not apply in Northern Ireland, the Isle of Man or the Channel Islands. It does not apply outside Great Britain, except to employment on Offshore Installations and related structures.

The maximum penalty on summary conviction for non-insurance is £200 for any day on which the employer is not insured, and £50 for failure to display a certificate.

Details about these provisions and exceptions are given in:

- (1) The Employers' Liability (Compulsory Insurance) Act 1969.
- (2) The Employers' Liability (Compulsory Insurance) General Regulations 1971 (Statutory Instrument 1971 No. 1117).
- (3) The Employers' Liability (Compulsory Insurance) Exemption Regulations 1971 (SI 1971 No. 1933).
- (4) The Employers' Liability (Compulsory Insurance) (Amendment) Regulations 1974 (SI 1974 No. 208).
- (5) The Employers' Liability (Compulsory Insurance) (Amendment) Regulations 1975 (SI 1975 No. 194).

Any enquiry about the provisions of this Act or any complaint arising from it should be addressed to the Health and Safety Executive, Baynards House, 1 Chepstow Place, London W2 4TF.

NOTE: Close relatives not requiring insurance are defined as: husband, wife, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister.

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