

EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1969

1969 CHAPTER 57

ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

CONTENTS

1 INSURANCE AGAINST LIABILITY FOR EMPLOYEES	1
2 EMPLOYEES TO BE COVERED	2
3 EMPLOYERS EXEMPTED FROM INSURANCE	3
4 CERTIFICATES OF INSURANCE	5
5 PENALTY FOR FAILURE TO INSURE	6
6 REGULATIONS	6
7 SHORT TITLE, EXTENT AND COMMENCEMENT	7

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—

(i) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect and carry out contracts of insurance of a kind required by this Act and regulations made under this Act, or

(ii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to the Financial Services and Markets Act 2000, which has permission under paragraph 15 of that Schedule to effect and carry out contracts of insurance of a kind required by this Act and regulations made under this Act;

(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.

Employers' Liability (Compulsory Insurance) Act 1969

(3A) Sub-section (3)(b) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 7(3).

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Amendment

Sub-s (3): para (b) Sub-stituted by SI 2001/3649, art 280(1), (2).

Date in force: 1 December 2001: see SI 2001/3649, art 1.

Sub-s (3A): inserted by SI 2001/3649, art 280(1), (3).

Date in force: 1 December 2001: see SI 2001/3649, art 1.

Modification

Sub-ss (1), (3) modified in relation 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, by the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995, SI 1995/738, ref21(2)

Subordinate Legislation

Employers' Liability (Compulsory Insurance) Regulations 1998, SI 1998/2573 (made under sub-ss (2), (3)(a))

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 byway 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,[civil partner,] father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, stepson, step-daughter, 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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 7(3).

Employers' Liability (Compulsory Insurance) Act 1969

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Amendment

Sub-s (2): in para (a) words "civil partner," in square brackets inserted by the Civil Partnership Act 2004, s 261(1), Sch 27, para 33.

Date in force: to be appointed: see the Civil Partnership Act 2004, s 263(10)(b).

Modification

Sub-s (2) modified in relation 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, by the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995, SI 1995/738, reg 21(3).

Subordinate Legislation

Employers' Liability (Compulsory Insurance) Regulations 1998, SI 1998/2573 (made under Sub-s (2)).

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 Sub-section (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 Sub-section (1)(a) above are

(a) a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act [1978,] [[an NHS foundation trust,] a Primary Care Trust established under section 16A of the National Health Service Act 1977][and a Local Health Board established under section 16BA of that Act]; and

(b) the Common Council of the City of London, the council of a London borough, the council of a county, or county district in England [the council of a county or county borough in Wales], [the Broads Authority] [a National Park authority] [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 a joint authority established by Part IV of the Local Government Act 1985, [the London Fire and Emergency Planning Authority] [and any police authority].

NOTES

Initial Commencement

To be appointed

To be appointed: see s 7(3).

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Employers' Liability (Compulsory Insurance) Act 1969

Amendment

Sub-s (2): para (a) inserted by the National Health Service and Community Care Act 1990, s 60, Sch 8, Pt I, para 1.

Sub-s (2): in para (a) word omitted repealed by SI 2000/90, art 3(1), Sch 1, para 9(a).
Date in force: 8 February 2000: see SI 2000/90, art 1.

Sub-s (2): in para (a) reference to "1978," in square brackets Sub-stituted by the National Health Service Reform and Health Care Professions Act 2002, s 6(2), Sch 5, para 3(a).

Date in force: 10 October 2002: see SI 2002/2532, art 2, Schedule.

Sub-s (2): in para (a) words "an NHS foundation trust," in square brackets inserted by the Health and Social Care (Community Health and Standards) Act 2003, s 34, Sch 4, paras 15, 16.

Date in force (in relation to England and Wales): 1 April 2004: see SI 2004/759, art 2.

Date in force (in relation to Scotland): to be appointed: see the Health and Social Care (Community Health and Standards) Act 2003, s 199(1)–(3).

Sub-s (2): in para (a) words from "a Primary Care Trust" to "the National Health Service Act 1977" in square brackets inserted by SI 2000/90, art 3(1), Sch 1, para 9 (b).

Date in force: 8 February 2000: see SI 2000/90, art 1.

Sub s (2): in para (a) words "and a Local Health Board established under section 16BA of that Act" in square brackets inserted by the National Health Service Reform and Health Care Professions Act 2002, s 6(2), Sch 5, para 3(b).

Date in force: 10 October 2002: see SI 2002/2532, art 2, Schedule.

Sub-s (2): para (b) numbered as such by the National Health Service and Community Care Act 1990, s 60, Sch 8, Pt I, para 1.

Sub-s (2): in para (b) first words omitted repealed by the Local Government Act 1985, s 102, Sch 17.

Sub-s (2): in para (b) second words omitted repealed by the Local Government Act 1972, s 272(1), Sch 30.

Sub-s (2): in para (b) words from "the council" to "in Wales" in square brackets Sub-stituted by the Local Government (Wales) Act 1994, s 66(6), Sch 16, para 37.

Sub-s (2): in para (b) words "the Broads Authority" in square brackets inserted by the Norfolk and Suffolk Broads Act 1988, s 21, Sch 6, para 7.

Sub-s (2): in para (b) words "a National Park authority" in square brackets inserted by the Environment Act 1995, s 120, Sch 10, para 9.

Sub-s (2): in para (b) words from "a council" to "1994 in" in square brackets Sub-stituted by the Local Government etc (Scotland) Act 1994, s 180(1), Sch 13, para 83.

Sub-s (2): in para (b) third words omitted inserted in relation to Scotland only by the Local Government etc (Scotland) Act 1994, s 180(1), Sch 13, para 83.

Sub-s (2): in para (b) words in square brackets ending with the words "Local Government Act 1985" inserted by the Local Government Act 1985, s 84, Sch 14, para 46.

Sub-s (2): in para (b) fourth words omitted repealed by the Education Reform Act 1988, s 237, Sch 13, Pt I.

Sub-s (2): in para (b) words "the London Fire and Emergency Planning Authority," in square brackets inserted by the Greater London Authority Act 1999, s 328, Sch 29, Pt I, para 12.

Date in force: 3 July 2000: see SI 2000/1094, art 4(h).

Sub-s (2): in para (b) words "and any police authority" in square brackets Sub-stituted by the Criminal Justice and Police Act 2001, s 128(1), Sch 6, Pt 3, para 57.

Date in force: 1 April 2002: see SI 2002/344, art 3(k).

Employers' Liability (Compulsory Insurance) Act 1969

Modification

Modified by the Waste Regulation and Disposal (Authorities) Order 1985, SI 1985/1884, art 10, Sch 3.

See Further

See further, for provision whereby the body corporate known as the Residuary Body for Wales is to be included among the authorities or bodies to which Sub-section (1) above applies: the Local Government (Wales) Act 1994, Sch 13, para 24(d).

Subordinate Legislation

Employers' Liability (Compulsory Insurance) Regulations 1998, SI 1998/2573 (made under sub-s (1)(c)).

Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2004, SI 2004/2882 made under sub-s (1)(c)).

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 Sub-section (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 [level 3 on the standard scale].

NOTES

Initial Commencement

To be appointed

To be appointed: see s 7(3).

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Amendment

Sub-s (3): maximum fine increased by the Criminal Law Act 1977, s 31, Sch 6, and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

Employers' Liability (Compulsory Insurance) Act 1969

Modification

Sub-s (2) modified, in relation 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, by the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995, SI 1995/738 , reg 21(4).

Subordinate Legislation

Employers' Liability (Compulsory Insurance) Regulations 1998, SI 1998/2573 (made under sub-ss (1), (2)).

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 [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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 7(3).

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Amendment

Maximum fine increased by the Criminal Law Act 1977, s 31, Sch 6, and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 37, 46.

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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 7(3).

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Employers' Liability (Compulsory Insurance) Act 1969

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.

NOTES

Initial Commencement

To be appointed

To be appointed: see sub-s (3) above.

Appointment

Appointment: 1 January 1972: see SI 1971/1116, art 1.

Subordinate Legislation

Employers' Liability (Compulsory Insurance) Act 1969 (Commencement) Order 1971, SI 1971/1116 (made under Sub-s (3)).