



Jersey

# **EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (JERSEY) LAW 1973**

## **Official Consolidated Version**

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Showing the law from 31 January 2020 to Current



Jersey

## **EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (JERSEY) LAW 1973**

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Jersey

## EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (JERSEY) LAW 1973<sup>1</sup>

A LAW to require employers to insure against their liability for personal injuries to their employees, and for purposes connected therewith

Commencement [[see endnotes](#)]

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### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“approved policy” means a policy of insurance not subject to any conditions or exceptions prohibited for those purposes by Regulations;

“authorized insurer” means –

- (a) a person who is a permit holder for the purposes of the [Insurance Business \(Jersey\) Law 1996](#); or
- (b) a person who is authorized by the relevant authority of the United Kingdom, or of a member State of the European Union, to carry on in that country insurance business in respect of an employer's liability for bodily injury or disease that may be sustained by an employee, and that arises out of and in the course of the employee's employment;

“business” includes a trade or profession, and any activity carried on by a body of persons, whether corporate or not;

“educational establishment” means a university, college, school or similar educational or technical institute;

“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, and whether such contract is expressed or implied, oral or in writing;

“Minister” means the Minister for Social Security;

“relevant training” means work experience provided pursuant to a training course or programme, or training for employment, or both, except where –

- (a) the immediate provider of the work experience or training for employment is an educational establishment and it is provided on a course run by the establishment; or
  - (b) it is received under a contract of employment.<sup>2</sup>
- (1A) For the purposes of this Law, where a person is being provided with relevant training –
- (a) the person providing the training is the employer of the person receiving the training;
  - (b) the person receiving the training is the employee of the person providing it; and
  - (c) the training is being provided in the course of the employment of the person providing the training of the person receiving it.<sup>3</sup>
- (2) Nothing in this Law shall 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, stepdaughter, brother, sister, half-brother or half-sister; or
  - (b) except as otherwise provided by Regulations, in respect of employees not ordinarily resident in Jersey.<sup>4</sup>
- (3) Except as otherwise provided by Regulations, an employer not having a place of business in Jersey shall be deemed not to carry on business there.

## **2 Insurance against liability for employees**

- (1) Except as otherwise provided by this Law, every employer carrying on any business in Jersey shall insure, and maintain insurance, under one or more approved policies with an authorized insurer or insurers against liability for bodily injury or disease sustained by the employer's employees, and arising out of and in the course of their employment in Jersey in that business, but except in so far as Regulations otherwise provide, not including injury or disease suffered or contracted outside Jersey.
- (2) Regulations may provide that the amount for which an employer is required by this Law to insure and maintain insurance shall, either generally or in such cases or classes of cases as may be specified in the Regulations, be limited in such manner as may be so specified.

## **3 Employers exempted from insurance**

This Law shall not require any insurance to be effected by –

- (a) the States of Jersey;
- (b) in relation to any such cases as may be specified in Regulations, any employer exempted by the Regulations.

#### **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 specified in the Regulations are obtained by employers entering into contracts of insurance in accordance with the requirements of this Law and for the surrender in such circumstances as may be so specified of certificates so obtained.
- (2) Where a certificate of insurance is required to be obtained by an employer in accordance with Regulations made under paragraph (1), 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 specified in the Regulations –
  - (a) comply with any provision requiring the employer to display copies of the certificate of insurance for the information of the employer's employees;
  - (b) produce the certificate of insurance or a copy thereof on demand to any inspector duly authorized by the Minister for the purposes of this Law and produce or send the certificate or a copy thereof to such other persons, at such place and in such circumstances as may be specified;
  - (c) permit the policy of insurance or a copy thereof to be inspected by such persons and in such circumstances as may be specified.
- (3) Any person who fails to comply with a requirement imposed by or under this Article shall be liable to a fine of level 3 on the standard scale.<sup>5</sup>

#### **5 Penalty for failure to insure**

An employer who on any day is not insured in accordance with the provisions of this Law when required so to be shall be guilty of an offence and shall be liable to a fine of level 3 on the standard scale, and where an offence committed by a body corporate 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 body corporate, he or she, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.<sup>6</sup>

#### **6 Regulations**

- (1) The States may make Regulations for any purpose for which Regulations are authorized to be made by this Law, and any such Regulations may make different provision for different cases or classes of cases and may contain such incidental and supplementary provisions as appear to the States to be necessary or expedient for the purposes of the Regulations.
- (2) Regulations under this Article may amend the definition of "authorized insurer" where it appears to the States necessary or expedient to do so.

#### **7 Citation**

This Law may be cited as the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Employers' Liability (Compulsory Insurance) (Jersey) Law 1973	<a href="#">L.17/1973</a>	1 April 1974 ( <a href="#">R&amp;O.5877</a> )
Employers' Liability (Compulsory Insurance) (Authorized Insurer) (Jersey) Regulations 1984	<a href="#">R&amp;O.7252</a>	18 January 1984
Employers' Liability (Compulsory Insurance) (Amendment) (Jersey) Law 1985	<a href="#">L.4/1985</a>	25 January 1985
Employers' Liability (Compulsory Insurance) (Amendment No. 2) (Jersey) Law 1993	<a href="#">L.3/1993</a>	15 January 1993
Employers' Liability (Compulsory Insurance) (Authorised Insurer) (Jersey) Regulations 2003	<a href="#">R&amp;O.44/2003</a>	20 May 2003
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	<a href="#">R&amp;O.48/2005</a>	9 December 2005
Employers' Liability (Compulsory Insurance) (Amendment No. 3) (Jersey) Law 2007	<a href="#">L.4/2007</a>	12 January 2007
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	<a href="#">R&amp;O.47/2012</a>	2 April 2012
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )
European Union (United Kingdom Exit – Miscellaneous Amendments) (Jersey) Regulations 2019	<a href="#">R&amp;O.9/2019</a>	11pm on 31 January 2020 ( <a href="#">R&amp;O.3/2020</a> )

### Table of Renumbered Provisions

Original	Current
7(1)	7
(2)	spent, omitted from this revised edition

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Article 1(1) amended by R&O.7252, R&O.44/2003, L.4/2007, R&O.9/2019*
- <sup>3</sup> *Article 1(1A) inserted by L.4/2007*
- <sup>4</sup> *Article 1(2) amended by R&O.47/2012*
- <sup>5</sup> *Article 4(3) amended by L.4/1985, L.3/1993, L.1/2016*
- <sup>6</sup> *Article 5 amended by L.4/1985, L.3/1993, L.1/2016*