

National Insurance and Social Security

Cap. 47.

**NATIONAL INSURANCE AND SOCIAL SECURITY
(MARINERS AND AIRMEN) REGULATIONS, 1971**S.I. 1971/
78.

Authority: These regulations were made on 11th May, 1971 by the Minister under section 50 of the *National Insurance and Social Security Act*. Cap. 47.

Commencement: 4th January, 1971.

1. These Regulations may be cited as the *National Insurance and Social Security (Mariners and Airmen) Regulations, 1971*. Short title.

2. For the purposes of these regulations

“the Act” means the *National Insurance and Social Security Act*; Cap. 47.

“airman” means a person insured under the Act by virtue of paragraph 3 of Part I of the Schedule to the Act;

“mariner” means a person insured under the Act by virtue of paragraph 2 of Part I of the Schedule to the Act.

3. Part III of the Act shall, in its application to a person employed and insured as pilot, commander, navigator or member of the crew of an aircraft to which paragraph 3 of Part I of the Schedule to the Act applies, have effect subject to the following modifications

Special provisions as to benefit in the case of airmen.

(a) where the airman having been left outside Barbados on account of illness, injury, risk of infection or loss of or damage to the aircraft in which he was employed, subsequently returns to Barbados at the expense of the employer in whose service he was up to the time of being so left, an accident happening to him while so returning shall, notwithstanding that during that time he renders no services and receives no wages, be deemed to arise out of and in the course of his employment as such airman if it would have been deemed so to have arisen had the

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return journey been undertaken in pursuance of an obligation under his contract of service with the employer aforesaid;

- (b) in addition to the provisions of section 24 of the Act, an accident happening to an airman while employed as aforesaid shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps on an actual or supposed emergency on or in connection with any aircraft to rescue, succour or protect persons who are, or are thought to be, or possibly to be, injured or imperilled, or to avert or minimise serious damage to property;
- (c) the requirements of section 23 (1) (b) of the Act shall not apply in the case of an airman who with the express or implied permission of his employer is travelling to or from his place of work in any vehicle.

Special provisions as to benefit in the case of mariners.

4. Part III of the Act shall, in its application to a person employed and insured as master or a member of the crew of any ship or vessel to which paragraph 2 of Part I of the Schedule to the Act applies, have effect subject to the following modifications

- (a) where the mariner having been left at a port other than a proper return port on account of illness, injury, risk of infection or loss of or damage to the ship or vessel in which he was employed, subsequently returns to such a port at the expense of the employer in whose service he was up to the time of being so left, an accident happening to him while so returning shall, notwithstanding that during that time he renders no services and receives no wages, be deemed to arise out of and in the course of his employment as such mariner if it would have been deemed so to have arisen had the return journey been undertaken in pursuance of an obligation under his contract of service with the employer aforesaid;
- (b) in section 23 of the Act the expression " place of work " shall include the ship or vessel in the service of which the mariner is employed;
- (c) the requirements of section 23 (1) (b) shall not apply in the case of a mariner who, with the express or implied

permission of his employer, is travelling to or from his place of work as aforesaid in any vehicle;

- (d) in addition to the provisions of section 24 of the Act, an accident happening to a mariner in or about a ship or vessel on board which he is for the time being employed shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps on an actual or supposed emergency on or in connection with any ship or vessel to rescue, succour or protect persons who are, or are thought to be, or possibly to be, injured or imperilled, or to avert or minimise serious damage to property;
- (e) injury benefit shall not be payable for any period during which the mariner is entitled to wages under the provisions of any law relating to merchant shipping for the time being in force in Barbados.

5. Where a mariner or airman has failed to obtain payment of benefit within the period of 6 months specified in regulation 16 (1) of the *National Insurance and Social Security (Claims and Payments) Regulations, 1967*, or regulation 19 (1) of the *National Insurance and Social Security (Employment Injury Claims and Payments) Regulations, 1970*, and his failure is due to the fact that he was absent from Barbados by reason of his employment as a mariner or airman, that paragraph shall apply to him with the substitution for the said period of 6 months of such period as the Director may, in any particular case, determine.

Extinguishment of right of mariners and airmen to receive payment of benefit. S.I. 1967/50. 1971/2.

6. Benefit shall be payable, subject to and in accordance with the provisions of the Act, in respect of an accident arising out of and in the course of, or in respect of, a prescribed disease due to the nature of the insurable employment of any person as a mariner or airman, notwithstanding that the accident happens or the disease is contracted outside Barbados.

Benefit payable in respect of accident happening or disease contracted abroad.

7. For the purposes of any claim for benefit by or in respect of a mariner or airman, evidence may be taken in a country other than Barbados by an authority specified by the Director.

Evidence taken abroad.

8. (1) As regards any accident reported under regulation 3

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S.I. 1971/2. of the *National Insurance and Social Security (Employment Injury Claims and Payments) Regulations, 1970*, the master of the ship or vessel shall comply with the requirements of any regulations made under section 25 of the Act relating to the obligations of employers as to the investigation and recording of the circumstances of such accidents.

(2) The owner or managing owner of any ship or vessel shall comply with the requirements of any regulations made under section 25 of the Act as to furnishing information, when required to do so by the Board or Director, as to any accident happening or alleged to have happened on board or in the service of such ship or vessel, in respect of which benefit may be payable, or as to any occupation prescribed for the purposes of Part III of the Act in which any person has been engaged on board or in the service of such ship or vessel and in respect of which benefit under the said Part III may be payable.

Application
of Act and
regulations.

9. The provisions of the Act and of the regulations made thereunder shall, subject to the modifications specified in these regulations, apply to mariners or airmen, subject to the further modification, that where a mariner or airman is, on account of his being outside Barbados by reason of his employment as a mariner or airman, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.