

STATES OF JERSEY

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DRAFT EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (AUTHORISED INSURER) (JERSEY) REGULATIONS 200-

Lodged au Greffe on 22nd April 2003
by the Employment and Social Security Committee

STATES GREFFE



Jersey

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REPORT

The Employers' Liability (Compulsory Insurance) (Jersey) Law 1973 and Regulations made under that Law set out the requirement on employers carrying out a business in the Island to insure against their liability for personal injuries to their employees with an "authorised insurer".

The definition of "authorised insurer" set out in Article 1(1) of the Law, as amended by the Employers' Liability (Compulsory Insurance) (Jersey) Regulations 1984, R&O 7252, referred to a definition contained within U.K legislation which is no longer current.

Article 6(2) of the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973 allows for the States to make Regulations to amend the definition of "authorised insurer". These Regulations, the Employers' Liability (Compulsory Insurance) (Authorised Insurer) (Jersey) Regulations 200-, provide for a new definition of "authorised insurer" and the repeal of the existing Regulations which set out the present definition.

The Regulations define an "authorised insurer" as an insurer who is a permit holder under the Insurance Business (Jersey) Law 1996, as amended, or an insurer who is authorised by a relevant authority of a Member State of the European Union. The inclusion in the definition to a reference to a relevant authority of a Member State of the European Union allows for controls over employers using insurers who operate from outside the Island.

Financial/manpower statement

These draft Regulations have no implications for the financial or manpower resources of the States.

Explanatory Note

These Regulations amend the definition of “authorised insurer” contained in the Employers’ Liability (Compulsory Insurance) (Jersey) Law 1973 consequent on changes in both United Kingdom and Jersey legislation.



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 6(2) of the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973,^[1] have made the following Regulations –

1 “Authorised insurer” redefined

For the definition of “authorised insurer” in Article 1(1) of the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973,^[2] there shall be substituted the following definition –

“ ‘authorised insurer’ means –

- (a) a person who is a permit holder for the purposes of the Insurance Business (Jersey) Law 1996;^[3] or
- (b) a person who is authorized by the relevant authority of a member State of the European Union to carry on in that State 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;”.

2 Repeal

The Employers' Liability (Compulsory Insurance) (Authorised Insurer) (Jersey) Regulations 1984^[4] are repealed.

3 Citation and commencement

- (1) These Regulations may be cited as the Employers' Liability (Compulsory Insurance) (Authorised Insurer) (Jersey) Regulations 200-.
- (2) They shall come into force 7 days after they are made.

[1] *Recueil des Lois, Volume 1973-1974, page 96.*

[2] *Recueil des Lois, Volume 1973-1974, page 93 and No. 7252.*

[3] *Recueil des Lois, Volume 1996-1997, pages 81 and 552, Volume 1998, pages 274 and 427, Volume 1999, pages 420 and 526, Volume 2000, page 701, Volume 2002, page 113 and Volume 2003, page 131.*

[4] *No. 7252.*