



**Isle of Man**

*Ellan Vannin*

**AT 28 of 1976**

**EMPLOYERS' LIABILITY (COMPULSORY  
INSURANCE) ACT 1976**





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## EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1976

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**Isle of Man***Ellan Vannin*

## EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) ACT 1976

*Received Royal Assent:* 15 December 1976

*Passed:* 18 January 1977

*Commenced:* 18 January 1977<sup>1</sup>

**AN ACT** to require employers to insure against their liability for personal injury to their employees, and for connected purposes.

### **1 Insurance against liability for employees**

[P1969/57/1]

- (1) Except as otherwise provided by this Act, every employer carrying on any business in the Island 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 the Island in that business, but, except in so far as regulations otherwise provide, not including injury or disease suffered or contracted outside the Island.
- (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 a person or body of persons lawfully carrying on in the Island insurance business of any class relevant for the purposes of this Act, and issuing the policy or policies in the course of that business;<sup>1</sup>

<sup>1</sup> **EDITORIAL NOTE:** See endnote to section 8 for the effect of 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 the Island shall be deemed not to carry on business there.

## 2 Employees to be covered

[P1969/57/2]

- (1) For the purposes of this Act, “**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, 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, stepdaughter, brother, sister, half-brother or half-sister; or<sup>2</sup>
  - (b) except as otherwise provided by regulations, in respect of employees not ordinarily resident in the Island.

## 3 Employers exempted from insurance

[P1969/57/3(1)(c)]

This Act shall not require any insurance to be effected, in relation to any such cases as may be specified in the regulations by any employer exempted by regulations.

## 4 Certificates of insurance

[P1969/57/4]

- (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 subsection (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 Department for Enterprise 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;<sup>3</sup>
  - (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 guilty of an offence and shall be liable summary conviction to a fine not exceeding level 3 on the standard scale.<sup>4</sup>

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

[P1969/57/5]

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 5 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.<sup>5</sup>

## **6 Regulations**

[P1969/57/6]

- (1) The Department for Enterprise may make regulations for any purpose for which regulations are authorised to be made by this Act, but no such regulations shall have effect until they have been approved by Tynwald.<sup>6</sup>
- (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 Department for Enterprise to be necessary or expedient for the purposes of the regulations.<sup>7</sup>

## **7 [Repealed]<sup>8</sup>**

## **8 Short title, extent and commencement**

- (1) This Act may be cited as the Employers' Liability (Compulsory Insurance) Act 1976.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.
- (3) This Act shall take effect for any purpose on such date as the Board may by order appoint, and the purposes for which this Act is to take effect 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.<sup>9</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

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- <sup>1</sup> Para (b) substituted by Insurance Act 1986 Sch 5.
- <sup>2</sup> Para (a) amended by Civil Partnership Act 2011 Sch 14.
- <sup>3</sup> Para (b) amended by SD155/10 Sch 2 and by SD2017/0325.
- <sup>4</sup> Subs (3) amended by Fines and Penalties Act 2024 Sch 3.
- <sup>5</sup> S 5 amended by Fines and Penalties Act 2024 Sch 5.
- <sup>6</sup> Subs (1) amended by SD155/10 Sch 2 and by SD2017/0325.
- <sup>7</sup> Subs (2) amended by SD155/10 Sch 2 and by SD2017/0325.
- <sup>8</sup> S 7 repealed by GC141/90.
- <sup>9</sup> ADO (whole Act) 1/4/1978 (GC36/78).