
**EMPLOYERS' LIABILITY (COMPULSORY
INSURANCE) REGULATIONS 2014**

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SCHEDULE — PRESCRIBED FORMS

**EMPLOYERS' LIABILITY (COMPULSORY
INSURANCE) REGULATIONS 2014**

The Administrator makes the following Regulations in exercise of the powers in sections 3(c) and 21 of the Employers' Liability (Compulsory Insurance) Ordinance 1999(a)

Citation and commencement

1.—(1) These Regulations may be cited as the Employers' Liability (Compulsory Insurance) Regulations 2014.

(2) These Regulations come into force on the day after they are published in the Gazette.

Interpretation

2.—(1) In these Regulations—

“authorised representative” means the person authorised by an insurer to represent the insurer;

“certified copy” means a copy of the insurance certificate certified in writing by the insurer who issued the certificate or the insurer's authorised representative as a genuine and accurate copy of the insurance certificate;

“corresponding Republican regulations” means Public Instrument Number 197/1997 (Republic of Cyprus) (the Employers' Liability (Compulsory Insurance) Regulations 1997)(b), as amended and substituted from time to time;

“Fund” means the Republican Insurers' Industrial Compensation Fund;

“insurance certificate” means the certificate containing the policy referred to in section 4(1) of the Ordinance;

“insured employer” means an employer who obtains a policy under section 4(1) of the Ordinance; and

“Ordinance” means the Employers' Liability (Compulsory Insurance) Ordinance 1999.

(2) Where an equivalent form prescribed in the corresponding Republican regulations is used in accordance with these Regulations, any reference in the form to Republican legislation or a provision in Republican legislation is to be treated as a reference to the corresponding legislation or corresponding provision in the legislation of the Areas.

(a) Ordinance 1/1999 amended by Ordinances 32/2003, 29/2010, 15/2012, 17/2013 and 21/2014.

(b) Published in Republic of Cyprus Gazette No. 3166 of 11 July 1997.

Insurance certificate

3.—(1) When issuing an insurance certificate, the insurer must use form EE2, as set out in the Schedule or the equivalent form prescribed in the corresponding Republican regulations.

(2) Where the insurance certificate includes a cover note issued by the insurer, the insurer must use form EE1, as set out in the Schedule or the equivalent form prescribed in the corresponding Republican regulations.

(3) The insurer or the authorised representative must issue an insurance certificate which—

- (a) is an original document;
- (b) is printed on white paper using black ink; and
- (c) contains no other information, including advertisements, except that which is provided for by the relevant prescribed form.

(4) Where the insured employer displays a copy of the insurance certificate at a branch of the employer's business in accordance with section 15(1) of the Ordinance, the copy must be a certified copy.

(5) The insurer or the authorised representative must not charge the insured employer a fee for a certified copy exceeding the amount specified in the corresponding Republican regulations.

(6) Where the insurer or the authorised representative issues the insured employer with a certified copy, the employer must return the certified copy together with the original insurance certificate if the certificate is cancelled in accordance with section 8 of the Ordinance.

Exempted categories of employer

4. For the purpose of section 3(c) of the Ordinance, the following are exempt categories of employer—

- (a) an employer who only employs persons on an occasional basis and a person is employed for 8 hours or less in any week; or
- (b) an employer which is a body corporate and where the majority shareholder is its sole employee.

Files retained

5.—(1) The insurer must retain a separate file for each insured employer to whom the insurer issues a policy under section 4 of the Ordinance.

(2) The following documents must be kept on the file—

- (a) the proposal form which must contain—
 - (i) the employer's social insurance registration number under the Social Insurance (Facilitation of Republican Social Insurance Scheme) Ordinance 2013(a);
 - (ii) the employer's name; and
 - (iii) the estimated number of employees for each hour, day, week, month or year (which ever is appropriate) during the period of insurance;
- (b) a copy of the insurance policy which must contain—
 - (i) the details of the employer;
 - (ii) the location or locations where the employer's business usually is carried out;
 - (iii) the maximum insurable amount;
 - (iv) the date of commencement and expiry of the insurance policy; and
 - (v) all other terms of the policy;

(a) Ordinance 19/2013.

- (c) a copy of the insurance certificate;
- (d) a copy of the cover note, if available; and
- (e) any other documents which relate to the employer's policy.

(3) The insurer must retain all the documents referred to in paragraph (2) for a period of at least 3 years from whichever is the later of the date of expiry of the insurance policy or the date of issue of a judgment from a court in relation to a claim relating to the insurance policy.

(4) The insured employer must—

- (a) keep a record of wages using form EE5 as set out in the Schedule or the equivalent form prescribed in the corresponding Republican regulations;
- (b) permit the persons listed in regulation 9(1) and the insurer to inspect the record of wages;
- (c) provide the insurer within 1 month of the expiry of the period for which the employer was insured ("the insurance period") or earlier termination of the insurance policy with a correct statement of all wages and other emoluments paid by the employer within the insurance period.

(5) The insurer must provide any information included in the file referred to in paragraph (2) and a genuine copy of any of the documents retained on the file when requested to do so by—

- (a) an inspector appointed under section 16(1) of the Ordinance;
- (b) the Republican Superintendent of Insurance;
- (c) the Chief Constable; or
- (d) the Fund.

(6) A person who contravenes this regulation commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding €1,500 (or to both).

Insurance cancelled

6.—(1) If the insurance is cancelled for reasons other than the expiry of the insurance policy, the insurer must notify in writing the Chief Officer, the Republican Superintendent of Insurance and the Fund.

(2) If the insurer wishes to cancel an insurance policy, the cancellation will not have effect unless—

- (a) the insurer has sent written notice of the cancellation to the insured employer;
- (b) the notice was sent by a registered letter to the insured employer's last known address; and
- (c) the notice was sent at least 15 days before the cancellation takes effect.

(3) The function placed on the Chief Officer is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(a).

Affidavit if insurance certificate lost or destroyed

7.—(1) For the purposes of section 8 of the Ordinance, if an insurance certificate is lost or destroyed, the insured employer's affidavit must be in the form of EE3 as set out in the Schedule or in the equivalent form as prescribed in the corresponding Republican regulations.

(2) If the certified copy is lost or destroyed, the insured employer must swear an affidavit in the form of EE3 as set out in the Schedule or in the equivalent form as prescribed in the corresponding Republican regulations.

(3) The insured employer must send or deliver the affidavit to the insurer within a reasonable period of time of the loss or destruction of the insurance certificate or the certified copy.

(a) Ordinance 17/2007.

Non-prohibited specified acts or omissions

8. The following specified acts or omissions are not prohibited for the purposes of section 7(1) of the Ordinance—

- (a) the insured employer omitting to notify the insurer or the authorised person that an event has occurred from which a liability under the policy arises or may arise (an “insured event”);
- (b) the insured employer omitting to notify the insurer or the authorised person within a reasonable period of time or within a specified deadline of an insured event;
- (c) the insured employer omitting to notify the insurer or the authorised person within a reasonable period of time of the receipt of court documentation or correspondence alleging that a liability has arisen under the insured’s policy;
- (d) the insured employer admitting liability, proposing to pay, offering or paying compensation in relation to an insured event without the written consent of the insurer;
- (e) the insured employer giving the insurer or an authorised person inaccurate information which relates to an insured event;
- (f) the insured employer concealing from the insurer or an authorised person information that the employer is under a duty to disclose in relation to an insured event.

Insurance certificate provided

9.—(1) Pursuant to section 15(1)(d) of the Ordinance, the insured employer must provide the insurance certificate, a certified copy or a copy of the insurance certificate certified in writing as genuine by an advocate to the following, if requested to do so, verbally or in writing, within 7 days of the request—

- (a) an inspector appointed under section 16(1) of the Ordinance;
- (b) the Republican Superintendent of Insurance;
- (c) the Fund;
- (d) the Chief Constable;
- (e) an employee of the insured employer or a legal representative authorised by the employee to make the request.

(2) The function placed on an inspector is a general delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

Certificate of appointment of an inspector

10. The certificate of appointment for an inspector referred to in section 16(5) of the Ordinance as the “instrument of his appointment” is to use form EE4 as set out in the Schedule or the equivalent form prescribed in the corresponding Republican regulations.

Employers Liability (Compulsory Insurance) Regulations 1999 revoked

11. The Employers Liability (Compulsory Insurance) Regulations 1999(a) are revoked.

(a) P.I. 41/1999.

(regulation 3(2))

SCHEDULE
PRESCRIBED FORMS
(Regulations 3(1) and (2), 5(4)(a), 7(1) and 10)
Form EE1
COVER NOTE

Cover note number:

Name of employer:

..... (name) after having submitted an insurance proposal in accordance with the Employers' Liability (Compulsory Insurance) Ordinance 1999 (as amended from time to time) (the "Ordinance") as regards the insured employer's liability for an accident or disease sustained or arising out of or in the course of employment which affects any of the insured employer's employees, the details of whom are shown in the Table below, the Insurer declares that the risks have been insured under the usual terms of the Insurer for the period commencing at..... (time) on..... (date) until midnight on (date) unless the cover note is cancelled in accordance with section 8 of the Ordinance and the corresponding amount of the annual policy is charged for the period for which the Insurer had undertaken the risk.

TABLE

Name and trading name of the employer:.....
Employer's social insurance registration number:.....
Nature of work:.....
Maximum insured amount:.....
Employment category:.....
Estimated number of employees:.....
Estimated number of employees per category of employment:.....

Signature

INSURANCE CERTIFICATE

I, the undersigned insurer (the "Insurer") certify that this cover note has been issued in accordance with the provisions of the Employers' Liability (Compulsory Insurance) Ordinance 1999 (as amended from time to time) and the Employers' Liability (Compulsory Insurance) Regulations 2014 (as amended from time to time).

Date:

Signature
(Trade name of Insurer)

Form EE2

INSURANCE CERTIFICATE

(regulation 3(1))

The original or a certified copy of this insurance certificate must be displayed at each workplace where the insured employer employs persons covered by this policy.

Certificate number:

- 1 (a) Full name or trade name of the employer:
(b) Address of the employer:
(c) Employer's social insurance registration number:
2. Policy number:
3. Date of commencement of policy:
4. Date of expiry of policy:
5. Type of work performed:
6. Estimated number of persons employed and covered by the policy:

I certify that the policy to which this certificate refers has been issued in accordance with the provisions of the Employers' Liability (Compulsory Insurance) Ordinance 1999 (as amended from time to time) and the Employers' Liability (Compulsory Insurance) Regulations 2014 (as amended from time to time).

Name and full details of the Insurer:

Signature of the Insurer:

Date:

FORM EE3

AFFIDAVIT OF LOSS OR DESTRUCTION OF INSURANCE CERTIFICATE

(regulation 7(1))

I,of hereby make OATH AND SAY as follows:

that the insurance certificate, particulars of which are set out below, has been [lost] [destroyed].*

Number of certificate and date of issue:

Number of insurance policy and date of issue:

Name and address of insurer who issued the certificate:

Date of commencement:

Date of expiry:

Full name or trade name of employer:

Address of employer:

Type of work performed:

Number of persons covered by the insurance policy:

.....

Signature

Sworn at:

this day of

Before me,

* Delete as appropriate.

FORM EE4

CERTIFICATE OF APPOINTMENT OF INSPECTOR

(regulation 10)

Under section 16 of the Employers' Liability (Compulsory Insurance) Ordinance 1999, as amended from time to time, ("the Ordinance"), I,(name), (post title) appoint the person named below as an inspector for the purposes of the Ordinance—

Full name:

Position held:

Signature:

Date:

FORM EE5
RECORD OF WAGES

(regulation 5(4)(a))

Name or trade name of employer

From:

Employer's address:

Employer's social insurance registration number:

Period of employment: from..... to.....

Number of employees:

A/A	Social insurance number	Full name of employee	Type of work	Days/ hours of work Number	Gross emoluments £cent	Deductions £cent	Net emoluments £cent	

Dated this 25 day of June 2014

P.J. Rushbrook,
Deputy Administrator,
Sovereign Base Areas.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. This explanatory note relates to the Employers' Liability (Compulsory Insurance) Regulations 2014 (the "Regulations"). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader and should be read in conjunction with the Regulations.
2. The Regulations amend and consolidate the Employers' Liability (Compulsory Insurance) Regulations 1999. They are made under the regulation-making powers in the Employer' Liability (Compulsory Insurance) Ordinance 1999, as amended (the "Ordinance").
3. The Regulations broadly mirrors in the Areas the Republic's Employers' Liability (Compulsory Insurance) Regulations 1997 (PI 197/97) as amended by PI 130/98 and PI 158/2011.
4. Regulation 3 of the Regulations stipulates:
 - the form of the insurance certificate with or without a cover note. The regulation gives the insurer the option of using the forms prescribed in the Republic's Regulations;
 - the fee which may be charged for a copy of the certificate;
 - where a copy of a certificate is displayed, that it must be a certified copy; and
 - if the insurance certificate is cancelled that the employer must return any certified copies as well as the original to the insurer.
5. Section 3(c) of the Ordinance enables categories of employers to whom the Ordinance does not apply to be prescribed in regulations. Regulation 4 prescribes 2 categories of exempt employers. They are an employer who has no employees but for the majority shareholder and an employer who only employs persons on an occasional basis for no more than 8 hours each week for each person.
6. Regulation 5 provides that an insurer must keep a file for each employer for whom the insurer provides insurance cover and the documents which must be kept on the file. It also imposes a duty on the employer to:
 - keep a record of wages;
 - permit certain persons to inspect this record;
 - provide the insurer on termination or expiry of the policy with a statement of wages;
 - provide information and copies of documents to specified individuals including the Republic's Superintendent of Insurance.
7. If the insurance policy is cancelled (rather than expires), the insurer must notify the persons specified in regulation 6, including the insured employer. The cancellation of the policy only takes effect if the employer is notified in accordance with the provisions of this regulation.
8. In the event that an insurance certificate or a certified copy is lost or destroyed, under regulation 7, the employer must swear an affidavit in the prescribed form or the form used by the Republic and must send the affidavit to the insurer.
9. Regulation 8 sets out those acts or omissions on the part of the insured employer which, under section 7(1) of the Ordinance, may invalidate the insurance policy.

10. Regulation 9 specifies those persons to whom, on request, the insured employer must provide the insurance certificate or a certified copy.
11. Where an inspector is appointed under section 16(1) of the Ordinance, regulation 10 prescribes the form for appointing an inspector or that the form prescribed in the corresponding Republican regulations may be used.

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