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STATUTORY INSTRUMENTS

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**1993 No. 1213**

**The Merchant Shipping (Local Passenger Vessels)(Masters' Licences and Hours, Manning and Training) Regulations 1993**

**PART III**

**MASTERS' HOURS OF WORK**

**Interpretation for Part III**

**10.**—(1) In this Part—

“employer”, in relation to a master who has command of a vessel in the course of his employment, means the person who employs that master in that employment;

“master” has the meaning given by regulation 11 below;

“working day”, in relation to any person to whom this Part applies means—

- (a) any period during which he is on duty and which does not fall to be aggregated with any other such period by virtue of paragraph (b) of this definition; and
- (b) where a period during which he is on duty is not followed by an interval for rest of not less than 8 hours, the aggregate of that period and each successive period until there is such an interval as aforesaid, together with any interval or intervals between periods so aggregated.

(2) For the purposes of this Part a director of a company shall be deemed to be employed by it.

(3) In this Part references to a person being on duty are references—

- (a) in the case of a master who has command of a vessel in the course of his employment, to his being on duty (whether for the purpose of having the command of a vessel to which this Part applies or for other purposes) in the employment of the person who employs him in that employment or in any other employment under that person; and
- (b) in the case of a master who has command of a vessel for the purposes of a trade or business carried on by him, to his having command of a vessel to which this Part applies for the purposes of that trade or business or being otherwise engaged in work for the purposes of that trade or business, being work in connection with such a vessel or the passengers carried by it.

**Application of Part III**

**11.** This Part applies to any such person as follows (in this Part referred to as “a master”), that is to say—

- (a) a person who has command of a vessel to which this Part applies in the course of his employment and;
- (b) a person who has command of such a vessel for the purposes of a trade or business carried on by him;

and in this Part references to a person's having command are references to his having command as aforesaid.

### **The working hours code**

**12.**—(1) A master shall so far as is reasonably practicable ensure that he is properly rested when first going on duty on any working day.

(2) Subject to paragraph (6) below, the working day of a master shall not exceed 16 hours.

(3) Subject to paragraph (6) below, a master shall not on any working day con a vessel or vessels to which this Part applies for periods amounting in the aggregate to more than 10 hours.

(4) Subject to paragraph (6) below, if on any working day a master has been on duty—

(a) for a period of 6 hours and the end of that period does not mark the end of the working day; or

(b) for periods amounting in the aggregate to 6 hours and there has not been between any of those periods an interval of not less than 30 minutes in which the master was able to obtain rest and refreshment and the end of the last of those periods does not mark the end of the working day;

there shall be such an interval as aforesaid—

(i) as respects the period mentioned in sub-paragraph (a) above, at the end of that period; or

(ii) in the case of the periods mentioned in sub-paragraph (b) above, at the end of the last of those periods.

(5) Subject to paragraph (6) below there shall be, between any two successive working days of a master, an interval for rest which shall not be of less than 8 hours; and, in the case of a master who has command of a vessel in the course of his employment, a period of time shall not be treated as not being an interval for rest by reason only that he may be called upon to report for duty if required.

(6) If the Secretary of State considers that it would be appropriate to grant an exemption from all or any of the requirements of paragraphs (2) to (5) above, he may on such terms (if any) as he may specify grant such an exemption; and, subject to his giving reasonable notice, the Secretary of State may alter or cancel an exemption so granted.

### **Contravention of regulation 12**

**13.**—(1) If any of the requirements of regulation 12 above is contravened in the case of any master—

(a) that master; and

(b) any other person (being that master's employer or a person to whose orders that master was subject) who caused or permitted the contravention;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale:

Provided that a person shall not be liable to be convicted under this regulation if he proves to the court—

(i) that the contravention was due to an unavoidable delay in the completion of a voyage arising out of circumstances which he could not reasonably have foreseen; or

(ii) in the case of a person charged under paragraph (b) above that the contravention was due to the fact that the master had for any particular period or periods conned a vessel or vessels or been on duty otherwise than in the employment of the person charged or, as the case may be, otherwise than in the employment in which he was subject to the orders

of the person charged, and that the person charged was not, and could not reasonably have become, aware of that fact.