
STATUTORY INSTRUMENTS

1995 No. 972

MERCHANT SHIPPING

MASTERS AND SEAMEN

**The Merchant Shipping (Employment
of Young Persons) Regulations 1995**

<i>Made</i>	- - - -	<i>29th March 1995</i>
<i>Laid before Parliament</i>		<i>10th April 1995</i>
<i>Coming into force</i>	- -	<i>1st May 1995</i>

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970⁽¹⁾ in exercise of powers conferred by section 51(2) and (3) of the said Act of 1970 and now vested in him⁽²⁾, and by paragraph 5 of Schedule 4 to the Merchant Shipping (Registration, etc.) Act 1993⁽³⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Employment of Young Persons) Regulations 1995 and shall come into force on 1st May 1995.

Interpretation and application

2.—(1) In these Regulations—

“child” means a person who is under school-leaving age for the purposes of section 51 of the Merchant Shipping Act 1970;

“education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980⁽⁴⁾;

“local education authority” has the meaning given by section 114(1) of the Education Act 1944⁽⁵⁾;

“training ship” means a ship operated for the purpose of educating or training children;

(1) 1970 c. 36; section 51(4) was amended by the Merchant Shipping Act 1979 (c. 39), Schedule 6, Part II.
(2) See S.I.1970/1537.
(3) 1993 c. 22.
(4) 1980 c. 44.
(5) 1944 c. 31; the definition was amended by S.I. 1977/293.

“United Kingdom ship” means a ship which—

- (a) is registered in the United Kingdom; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen, or
 - (ii) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom;

“young person” means a person under the age of eighteen.

Children

3. Without prejudice to any restrictions in the Children and Young Persons Act 1933⁽⁶⁾, and subject to regulations 4 and 6 below, a child who has attained the age of 14 may be employed in a training ship on a course recognised by a local education authority (or in Scotland, by an education authority, or in Northern Ireland by the Department of Education).

Young persons' medical certificates

4.—(1) Subject to paragraphs (2) and (3) below, a young person shall not be employed in any capacity in a ship unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity.

In paragraph, “duly qualified medical practitioner” means a person who is a fully registered person within the meaning of section 55 of the Medical Act 1983⁽⁷⁾.

(2) Paragraph (1) above shall not apply in the case of employment in a ship in which only members of the same family are employed.

(3) A superintendent or consular officer may on the ground of urgency authorise a young person who is not a child to be employed in a ship notwithstanding that no such certificate has been delivered to the master of the ship; but the young person shall not be employed in reliance on any such authorisation beyond the first port at which the ship calls after he has embarked thereon.

(4) A certificate shall be effective for the purposes of this regulation for a period of twelve months from the date on which it is granted and no longer, but if the period of twelve months expires during a voyage in which the young person is employed in the ship, the certificate shall remain effective until the end of the voyage.

Record of young persons

5.—(1) There shall be included in every crew agreement a list of the young persons who are employed in the ship, together with particulars of their dates of birth.

(2) There shall be included in every crew agreement a short summary of the provisions of these Regulations.

(3) In the case of a ship in which there is no crew agreement, the master of the ship shall, if young persons are employed in the ship, keep a register of those persons with particulars of their dates of birth and of the dates on which they became employed in the ship.

⁽⁶⁾ 1933 c. 12.

⁽⁷⁾ 1983 c. 54.

Trimmers and stokers

6. No young person shall be employed as a trimmer or stoker in any ship.

Signed by authority of the Secretary of State for Transport

29th March 1995

Goschen
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations:—

- (a) prescribe the only circumstances in which children (i.e. persons under school-leaving age) may be employed in a ship;
- (b) prescribe the conditions under which young persons (i.e. persons, including children, up to 18) may be employed in a ship;
- (c) prohibit the employment of young persons as trimmers or stokers.

The Regulations re-enact, with modifications, certain provisions in section 1 of, and Part IV of the Schedule to, the Employment of Women, Young Persons and Children Act 1920 and the Merchant Shipping (International Labour Conventions) Act 1925. (Those provisions are being repealed by provisions of the Merchant Shipping Act 1970 which come into force simultaneously with the Regulations.) The Regulations implement ILO Conventions 7 and 58.

ILO Conventions may be obtained from the International Labour Organization, Vincent House, Vincent Square, London SW1P 2NB.