
STATUTORY INSTRUMENTS

2002 No. 2125

MERCHANT SHIPPING

The Merchant Shipping (Hours of Work) Regulations 2002

Made - - - - *13th August 2002*
Laid before Parliament *14th August 2002*
Coming into force - - *7th September 2002*

^{F1} Whereas the Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972^{F2} in relation to measures relating to the safety of ships and the health and safety of persons on them^{F3} and to the employment of children and young persons^{F4}:

And whereas, in so far as the following Regulations are made in exercise of the powers conferred by section 85 of the Merchant Shipping Act 1995^{F5}, the Secretary of State has in pursuance of section 86(4) of that Act consulted the persons referred to in that subsection:

Now, therefore, the Secretary of State, in exercise of the powers conferred by the said section 2(2) of the European Communities Act 1972, and by sections 85(1)(a) and (b), (3), (5) and (7) and 86(1) and (2) of the Merchant Shipping Act 1995 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

- | | |
|-----------|---|
| F1 | Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58) , reg. 30(a) (with regs. 3, 4) |
| F2 | 1972 c. 68. |
| F3 | S.I. 1993/595. |
| F4 | S.I. 1996/266. |
| F5 | 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) , section 8 , and are applied to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) to which there are amendments not relevant to these Regulations. |

Citation and commencement

^{F1}1.

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|-----------|---|
| F1 | Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58) , reg. 30(a) (with regs. 3, 4) |
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Status: Point in time view as at 06/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Hours of Work) Regulations 2002. (See end of Document for details)

Interpretation

^{F1}2.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Application

^{F1}3.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Northern Ireland

^{F1}3A.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

General duty of shipowner, master, employer

^{F1}4.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Minimum hours of rest

^{F1}5.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Minimum hours of rest: further provision

^{F1}6.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Posting-up of table

^{F1}7.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Exception for emergencies

^{F1}8.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Records

^{F1}9.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Working at night

^{F1}10.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Power to require information

^{F1}11.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Entitlement to annual and additional leave

^{F1}12.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Shore leave

^{F1}12A.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Entitlements under other provisions

^{F1}13.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Status: Point in time view as at 06/04/2018.

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Inspection of United Kingdom ships and certain other ships

^{F1}14.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Inspection of non-United Kingdom ships with Maritime Labour Convention documentation

^{F1}14A.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Inspection of ships other than United Kingdom ships

^{F1}15.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Rectification of deficiencies

^{F1}16.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Enforcement of detention

^{F1}17.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Detention of United Kingdom ships and other ships without Maritime Labour Convention documentation

^{F1}17A.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Detention of non-United Kingdom ships with Maritime Labour Convention documentation

^{F1}17B.

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Arbitration and compensation

F1 18.

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Release of information

F1 19.

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Penalties

F1 20.

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Miscellaneous amendments

21. [^{F1}Schedule 2 (Miscellaneous Amendments) shall have effect.]

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Remedies

F1 22.

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Extension of time limits to facilitate conciliation before institution of proceedings

F1 22A.

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

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Restriction on contracting out

^{F1}23.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Review

^{F1}24.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

Signed by authority of the Secretary of State for Transport

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

^{F1}SCHEDULE 1

Regulation 2(1)

WORKFORCE AGREEMENTS

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SCHEDULE 2

Regulation 21

MISCELLANEOUS AMENDMENTS

[^{F1}1. Section 55 of the Act is amended as follows—

- (a) at the beginning of subsection (1) there shall be inserted “Subject to subsection (1A),”;
- (b) after subsection (1) there shall be inserted—
 - “(1A) A person under 16 years of age shall not be employed in any sea-going United Kingdom ship.”;
 - and
- (c) in subsection (2)—
 - (i) in paragraph (a), after “in a ship” there shall be inserted “ which is not a sea-going United Kingdom ship ”;
 - (ii) in paragraph (b), after “in a United Kingdom ship” there shall be inserted “ which is not a sea-going ship ”; and
 - (iii) after paragraph (b) there shall be inserted—
 - “(c) prescribing circumstances and capacities in which persons of at least the age of 16 but under the age of 18 or under such lower age as may be specified in the regulations must not be employed in a sea-going United Kingdom ship or may be so employed only subject to such conditions as may be specified in the regulations.”.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

^{F6}2.

F1 Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)

F6 Sch. 2 para. 2 revoked (1.1.2007) by [The Merchant Shipping \(Inland Waterway and Limited Coastal Operations\) \(Boatmasters' Qualifications and Hours of Work\) Regulations 2006 \(S.I. 2006/3223\)](#), regs. 1(b), 2, **Sch. 1**

3. In the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997 ^{F7} the following provisions shall be omitted—

- (a) in regulation 2(1), the definition of “safety committee”;

Status: Point in time view as at 06/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Hours of Work) Regulations 2002. (See end of Document for details)

- (b) regulations 6 to 10; and
- (c) in regulation 17—
 - (i) in paragraph (1), “9”;
 - (ii) in paragraph (2), “7(2)”;
 - (iii) paragraphs (2A) and (5) to (8).

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)
- F7** [S.I. 1997/1320](#); amended by [S.I. 1997/1911](#), 2000/484.

4. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998 shall be amended as follows—

- (a) for the definition of “young person” in regulation 2(2) there shall be substituted—

““young person” means—

 - (a) in relation to employment on a sea-going United Kingdom ship, any person who is of the age of 16 or 17; or
 - (b) in relation to employment on any other United Kingdom ship, any person who is under the age of 18 and, in Great Britain is over school-leaving age for the purposes of section 55 of the Act or, in Northern Ireland, is over compulsory school age within the meaning in Article 46 of the Education and Libraries (Northern Ireland) Order 1986 ”,^{F8}
- (b) in regulation 6—
 - (i) paragraph (6), and
 - (ii) in paragraph (7) the words “Where paragraph (6) does not apply,” shall be omitted.]

- F1** Regulations (except reg. 21, Sch. 2) revoked (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), **reg. 30(a)** (with regs. 3, 4)
- F8** [S.I. 1986/594 \(N.I. 3\)](#); Article 46 was substituted by Article 156 of [S.I. 1989/2406 \(N.I. 20\)](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement—

the majority of the provisions of Council Directive [1999/63/EC](#) concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners’ Association and the Federation of Transport Workers’ Unions in the European Union (OJ L 167, 2.7.99, p.33) and

European Parliament and Council Directive [1999/95/EC](#) concerning the enforcement of provisions in respect of seafarers’ hours of work on board ships calling at Community ports (OJ L 014, 20.1.2000, p.29).

The Regulations:

require employers to ensure seafarers have at least the specified minimum hours of rest (regulations 4 to 6 and 8),

require records to be kept of seafarers' daily hours of rest,

prohibit the employment on a ship of a person under 16 years of age,

establish seafarers' entitlement to annual leave, and

make provision about the enforcement of the Regulations.

The Regulations are made under the powers contained in the Merchant Shipping Act 1995 except in respect of amendments in Schedule 2, where the power is provided by section 2(2) of the European Communities Act 1972.

A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 023 8032 9380).

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone number 0115 9013336; fax 0115 9013334; e-mail mca@promo-solution.com).

International Labour Organization Conventions and Protocols are published by the International Labour Office and copies may be obtained from ILO Publications, International Labour Office, CH-211 Geneva 22, Switzerland.

A transposition note has been prepared and copies may be obtained from the Seafarer Health and Safety Branch of the Maritime and Coastguard Agency.

Status:

Point in time view as at 06/04/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Hours of Work) Regulations 2002.