
STATUTORY INSTRUMENTS

2014 No. 1614

**The Merchant Shipping (Maritime Labour Convention)
(Consequential and Minor Amendments) Regulations 2014**

PART 2

Amendments to Secondary Legislation

Amendment of the Merchant Shipping (Seaman's Allotments) Regulations 1972

4.—(1) The Merchant Shipping (Seaman's Allotments) Regulations 1972(1) are amended as follows.

(2) In regulation 2—

(a) renumber the existing text as paragraph (1); and

(b) in that text—

(i) after “a seaman employed”, insert “or engaged”;

(ii) omit “either”;

(iii) at the end of sub-paragraph (b), insert “or”;

(iv) insert after sub-paragraph (b)—

“(c) is employed or engaged on a ship to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(2) apply”;

(v) after “so employed”, insert “or engaged”;

(vi) after “allot”, insert “all or”; and

(vii) at the end, insert—

“(2) In these Regulations, references to wages include any remuneration payable to a seaman who is not an employee and who is engaged on a ship falling within paragraph (1)(c).”.

(3) In regulation 3—

(a) in paragraph (1), insert at the start “Subject to paragraph (3)”; and

(b) insert after paragraph (2)—

“(3) Paragraph (1) does not apply to a seaman employed or engaged on a ship to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 apply.”.

(4) After regulation 5, insert—

(1) S.I. 1972/1698.

(2) S.I. 2014/1613.

“Payments pursuant to allotment notes

6. All sums payable pursuant to an allotment note must be paid promptly and directly to the person to whom the allotment is made.

Charges and exchange rates

7.—(1) Subject to paragraph (2), a person may recover from the relevant seaman any costs incurred in making payments pursuant to an allotment note in accordance with these Regulations, but may not otherwise charge for the provision of that service.

(2) Where paragraph (1) applies, costs which that person ordinarily incurs in making payments to the seaman may not be recovered.

(3) Where it is appropriate or necessary to exchange currency in order to make payments pursuant to an allotment note, the person making the payment must make the exchange at a reasonable rate.

(4) A breach of this regulation is an offence.

(5) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.”.

Amendment of the Merchant Shipping (Seaman’s Wages and Accounts) Regulations 1972

5.—(1) The Merchant Shipping (Seaman’s Wages and Accounts) Regulations 1972(3) are amended as follows.

(2) In regulation 1(2)—

(a) after the definition of “the Act”, insert—

““seafarer employment agreement” means an agreement required by regulation 9 of the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(4), and a reference to a seafarer employment agreement in relation to a seafarer who works on a ship means the agreement of that description to which that seafarer is party in connection with that work;”;

(b) omit the definition of “code of conduct”.

(3) Omit regulations 2, 3, 5(e) and the Schedule.

(4) In regulations 4(1), 4(2)(a), 5(c), 5(d) and 8(4) after “crew agreement” in each place insert “or seafarer employment agreement”.

(5) In paragraphs (1) and (4) of regulation 8, for “regulation 5(c), (d) or (e)” substitute “regulations 5(c) or (d)”.

Amendment of the Merchant Shipping (Repatriation) Regulations 1979

6.—(1) The Merchant Shipping (Repatriation) Regulations 1979(5) are amended as follows.

(2) In regulation 2(1), for “paragraph (2)” substitute “paragraphs (1A) and (2)”.

(3) After regulation 2(1), insert—

“(1A) These regulations do not apply to seafarers on ships to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(6) apply.”.

(3) S.I. 1972/1700, amended by S.I. 1978/1757, S.I. 1999/3360, and S.I. 1985/340.

(4) S.I. 2014/1613.

(5) S.I. 1979/97. There are amendments not relevant to these Regulations.

(6) S.I. 2014/1613.

- (4) In regulation 2(2), for “11” substitute “12”.
- (5) Omit regulation 11.

Amendment of the Merchant Shipping (Provisions and Water) Regulations 1989

7.—(1) The Merchant Shipping (Provisions and Water) Regulations 1989(7) are amended as follows.

- (2) In regulation 2 omit the definitions of “offshore installation” and “submersible craft”.
- (3) In regulation 3(1)(a) omit “other than regulation 9”.
- (4) For regulation 3(1)(b), substitute—
 - “(b) regulations 7, 8 and 10 apply only to fishing vessels.”
- (5) Omit regulations 3(2)(c) and (d) and 9.

Amendment of the Merchant Shipping (Crew Agreements etc.) Regulations 1991

8.—(1) The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1991(8) are amended as follows.

- (2) In regulation 2—
 - (a) after the definition of “coastal voyage”, insert—

“Maritime Labour Certificate” has the meaning given in regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(9); and
 - (b) after the definition of “ship”, insert—

““shipowner” means—

 - (a) in relation to a ship which has a valid Maritime Labour Certificate or interim Maritime Labour Certificate, the person identified as the shipowner on that Certificate;
 - (b) in relation to any other ship, the owner of the ship or, if different, any other organisation or person such as the manager, or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the owner; and”.
- (3) In regulation 3—
 - (a) renumber the existing text as paragraph (1), and at the end insert—

“(2) This Part does not apply to a ship to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 apply.”; and
 - (b) in the heading, after “interpretation” insert “and application”.
- (4) Omit regulations 13, 14(1)(a)(iii), 14(3), 23 and 24.
- (5) In regulation 14(1)(b), omit “whether or not he is employed under a crew agreement”.
- (6) In regulation 16 and 17, for “a superintendent” substitute “the Secretary of State”.
- (7) For regulation 19 substitute—

“19. A list of crew remains in force until all of the persons employed on the ship whose particulars are contained on the list have been discharged.”.

(7) S.I. 1989/102. There are amendments not relevant to these Regulations.

(8) S.I. 1991/2144.

(9) S.I. 2014/1613.

(8) For regulation 20(2) substitute—

“(2) The shipowner must deliver a list of crew to the Registrar-General of Shipping and Seamen within seven days of the expiry of each period of six months after the date on which it is made, for so long as it remains in force.”

(9) In regulation 21, omit “superintendent or”.

(10) In regulation 26—

- (a) in paragraph (1)(a), for “regulation 24” substitute “regulation 25”;
- (b) in paragraph (1)(b), for “regulation 25(c)(ii)” substitute “regulation 25(1)(c)(ii)”;
- (c) omit “23(1),” in paragraph (2).

Amendment of the Industrial Tribunals (Northern Ireland) Order 1996

9. In Article 20(1) of the Industrial Tribunals (Northern Ireland) Order 1996(10) for sub-paragraph (u) substitute—

“(u) under regulation 22 of the Merchant Shipping (Hours of Work) Regulations 2002(11), or”.

Amendment of the Merchant Shipping (Crew Accommodation) Regulations 1997

10.—(1) The Merchant Shipping (Crew Accommodation) Regulations 1997(12) are amended as follows.

(2) In regulation 3(2) at the end of sub-paragraph (b) omit “and” and at the end of sub-paragraph (c) insert—

“and

- (d) ships to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(13) apply.”.

Amendment of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998

11.—(1) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(14) are amended as follows.

(2) In regulation 2(1), for the definitions of “EEA Agreement” and “EEA State” substitute—

““EEA Agreement” and “EEA State” have the meaning given by Schedule 1 to the Interpretation Act 1978(15).”.

(3) In Schedule 1—

- (a) omit “The Merchant Shipping (Crew Accommodation) Regulations 1997” and “1997/1508”;
- (b) at the end of the first column, insert “The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014”; and

(10) [S.I. 1996/1921 \(N.I. 18\)](#). Article 20(1)(u) was inserted by the Schedule to [S.I. 2014/308](#). Article 20 was amended by [S.R. 2014 No. 88](#) and section 8 of the Employment Act (Northern Ireland) 2011 ([c.13 \(N.I.\)](#)); there are other amending instruments but none is relevant.

(11) [S.I. 2002/2125](#). Regulation 22 was inserted by [S.I. 2014/308](#) and amended by [S.I. 2014/431](#). There are other amending instruments but none is relevant.

(12) [S.I. 1997/1508](#).

(13) [S.I. 2014/1613](#).

(14) [S.I. 1998/2771](#), amended by [S.I. 2000/482](#) and [S.I. 2002/1473](#).

(15) [1978 c.30](#). The definitions of “EEA Agreement” and “EEA State” were inserted by the Legislative and Regulatory Reform Act 2006 ([c.51](#)) section 26(1).

- (c) at the end of the second column, insert “2014/1613”.
- (4) In Schedule 2 —
 - (a) omit “The Merchant Shipping (Crew Accommodation) Regulations 1997” and “1997/1508”;
 - (b) at the end of the first column, insert “The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014”; and
 - (c) at the end of the second column, insert “2014/1613”.

Amendment of the Merchant Shipping (Hours of Work) Regulations 2002

- 12.**—(1) The Merchant Shipping (Hours of Work) Regulations 2002(**16**) are amended as follows.
- (2) Omit regulations 10 and 20(3).
 - (3) For regulation 14A(2) substitute—
 - “(2) Where a relevant inspector has power to inspect a ship under paragraph (1)(b), regulation 14 applies to the relevant inspector as if—
 - (a) in paragraphs (1) and (4), for the words “verifying compliance with these Regulations” there were substituted “carrying out an inspection under regulation 14A(1)(b)”;
 - (b) in paragraph (4), for the words “to which this regulation applies” in both places there were substituted “to which regulation 14A(1)(b) applies”.

Amendment of the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010

- 13.**—(1) The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(**17**) are amended as follows.
- (2) In regulation 2—
 - (a) for the definitions of “medical practitioner” and “sea-going” substitute respectively—
 - ““medical practitioner” means—
 - (a) in the case of a practitioner ordinarily resident in the United Kingdom, a fully registered person who—
 - (i) holds a licence to practise; or
 - (ii) meets the criteria specified in Merchant Shipping Notice 1839(M), being criteria which the Secretary of State considers appropriate having regard to the evidence of continuing professional development which such a practitioner must demonstrate in order to obtain a licence to practise; or
 - (b) in the case of a practitioner not ordinarily resident in the United Kingdom, a person who meets the criteria specified in Merchant Shipping Notice 1839(M), being criteria which the Secretary of State considers appropriate having regard to the qualifications and other credentials which must be demonstrated by a person falling within paragraph (a),”;
- and
- ““sea-going” in relation to a United Kingdom ship means—

(16) S.I. 2002/2125. Regulation 14A was inserted by S.I. 2014/308.

(17) S.I. 2010/737.

- (a) a ship which operates outside the waters specified as Category A, B, C and D waters in Merchant Shipping Notice 1837(M)(18);
 - (b) a ship to which the Merchant Shipping (Survey and Certification) Regulations 1995(19) apply and in respect of which no exemption granted under regulation 2(2) of those Regulations applies;
 - (c) a ship to which regulation 4 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(20) applies and which falls within the description given in paragraph (3) of that regulation; or
 - (d) a high speed craft in respect of which a permit to operate outside waters of Categories A, B, C or D has been issued in accordance with regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004(21);”.
- (b) after the definition of “relevant inspector” insert—
- ““seafarer” means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on a ship;”.
- (3) Omit regulation 3.
- (4) In regulation 5(1)(b), for “regulation 18(1)(b)” substitute “regulation 20”.
- (5) In regulations 8(1) (wherever it appears), 8(2)(b), 10(1), 12(3), 13(1)(c), 14(5) to (7) and 16(2), for “Merchant Shipping Notice 1822(M)” substitute “Merchant Shipping Notice 1839(M)”.

Amendment of the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013

14.—(1) The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013(22) are amended as follows.

- (2) In regulation 2(1), at paragraph (a) within the definition of “shipowner”, after “Maritime Labour Certificate” insert “or interim Maritime Labour Certificate”.
- (3) In regulation 4—
 - (a) in paragraph (1), after “10 to 17” insert “(except regulation 11(3))”; and
 - (b) in paragraph (2), after “9” insert “, 11(3)”.
- (4) In regulation 11(3), omit “or Government of a Convention State”.
- (5) In regulation 15(2), after “on indictment” insert “to imprisonment”.
- (6) In regulation 17(5), for sub-paragraph (c) substitute—
 - “(c) if either—
 - (i) the sum of £30,000 is paid to the Secretary of State by way of security; or
 - (ii) security which, in the opinion of the Secretary of State, is satisfactory and is for an amount not less than £30,000 is given to the Secretary of State,

by or on behalf of the shipowner or the master of the ship;”.

(18) Merchant Shipping Notice 1837(M) specifies which waters are Category A, B, C and D waters for the purposes of regulation 3(2)(a) of S.I. 1992/2356, as the notice which currently supersedes Merchant Shipping Notice M1504 pursuant to regulation 2 of those Regulations.

(19) S.I. 1995/1210, amended by S.I. 2004/302, S.I. 2005/2114 and S.I. 2010/1075; there are other amending instruments but none is relevant.

(20) S.I. 1998/2771, amended by S.I. 2002/1473 (and see regulation 3 of these Regulations); there is another amending instrument which is not relevant.

(21) S.I. 2004/302, amended by S.I. 2012/2636; there are other amending instruments but none is relevant.

(22) S.I. 2013/1785.

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