



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER I

PARTICULAR TYPES OF EMPLOYMENT

Excluded classes of employment

199 **Mariners.**

- (1) Sections 1 to 7, Part II and sections 86 to 91 do not apply to a person employed as a seaman in a ship registered in the United Kingdom under a crew agreement the provisions and form of which are of a kind approved by the Secretary of State.
- (2) Sections 8 to 10, Part III, sections 44, 45, 47, [^{F1}47C, [^{F2}47D,[]] 50 to 57B] and 61 to 63, [^{F3}Parts 7, 8 and 8A], sections 92 and 93 and ^{F4}. . . Parts X to XII do not apply to employment as master, or as a member of the crew, of a fishing vessel where the employee is remunerated only by a share in the profits or gross earnings of the vessel.
- ^{F5}(3)
- (4) Sections 8 to 10 and 50 to 54 and Part XII do not apply to employment as a merchant seaman.
- (5) In subsection (4) “employment as a merchant seaman”—
 - (a) does not include employment in the fishing industry or employment on board a ship otherwise than by the owner, manager or charterer of that ship except employment as a radio officer, but
 - (b) subject to that, includes—
 - (i) employment as a master or a member of the crew of any ship,

Status: Point in time view as at 06/04/2003. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 199 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (ii) employment as a trainee undergoing training for the sea service, and
- (iii) employment in or about a ship in port by the owner, manager or charterer of the ship to do work of the kind ordinarily done by a merchant seaman on a ship while it is in port.

(6) ^{F6}

[^{F7}(7) The provisions mentioned in subsection (8) apply to employment on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 if and only if—

- (a) the ship's entry in the register specifies a port in Great Britain as the port to which the vessel is to be treated as belonging,
- (b) under his contract of employment the person employed does not work wholly outside Great Britain, and
- (c) the person employed is ordinarily resident in Great Britain.

^{F7}(8) The provisions are—

- (a) sections 8 to 10,
- (b) Parts II, III and V,
- (c) Part VI, apart from sections 58 to 60,
- [Parts 7, 8 and 8A,]
- ^{F8}(d)
- (e) sections 92 and 93, and
- (f) Part X.]

Textual Amendments

- F1** Words in s. 199(2) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 34(a)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 8, 10, 11)
- F2** Word in s. 199(2) inserted (6.4.2003) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 44(2)(a)**; S.I. 2002/2866, **art. 2(3)**, Sch. 1 Pt. 3
- F3** Words in s. 199(2) substituted (6.4.2003) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 44(2)(b)**; S.I. 2002/2866, **art. 2(3)**, Sch. 1 Pt. 3
- F4** Words in s. 199(2) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 34(b), **Sch. 9(2)**; S.I. 1999/2830, art. 2(2)(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with Sch. 3 paras. 8, 10, 11)
- F5** S. 199(3) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 34(c), **Sch. 9(2)**; S.I. 1999/2830, art. 2(1)-(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with transitional provisions in Sch. 3 paras. 8, 10, 11)
- F6** S. 199(6) omitted (1.10.2002) by virtue of The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034), reg. 11, **Sch. 2 Pt. 1 para. 3(16)** (with regs. 13-20 and subject to transitional provisions in Sch. 2 Pt. 2)
- F7** S. 199(7)(8) inserted (25.10.1999) by 1999 c. 26, s. 32(4); S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. I** (with transitional provisions in Sch. 3 para. 7(2))
- F8** S. 199(8)(d) substituted (6.4.2003) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 44(3)**; S.I. 2002/2866, **art. 2(3)**, Sch. 1 Pt. 3

Status:

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