
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XV

MISCELLANEOUS

CHAPTER I

PARTICULAR TYPES OF EMPLOYMENT

Excluded classes of employment

Mariners

242.—(1) Articles 33 to 39, Part IV and Articles 118 to 123 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) Part II, Articles 40 to 42, Part V, Part VI (other than Article 69), Part VII (other than Articles 86 to 88), Parts VIII^{F1}, IX and IXA], Articles 124 and 125 and^{F2} . . . [^{F3}Parts 11 and 12] do not apply to employment as master, or as a member of the crew, of a fishing vessel where the employee^{F4} (or, in the case of Articles 73 to 77F), the worker) is remunerated only by a share in the profits or gross earnings of the vessel.

Para. (3) rep. by 1999 NI 9

(4) Articles 40 to 42 and 78 to 82^{F5} . . . do not apply to employment as a merchant seaman.

(5) In paragraph (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,

(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.

Para. (6) rep. by SR 2002/298

^{F2}(7) The provisions mentioned in paragraph (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 Northern Ireland 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 Northern Ireland; and

Status: Point in time view as at 26/01/2020.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 242 is up to date with all changes known to be in force on or before 24 July 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)

- (c) the person employed is ordinarily resident in Northern Ireland.
- (8) The provisions are—
- (a) Articles 40 to 42;
 - (b) Parts IV and V and Chapter I of Part VI;
 - (c) Part VII, apart from Articles 86 to 88;
 - (d) Parts VIII^{F1}, IX and IXA];
 - (e) Articles 124 and 125; and
 - (f) Part XI.]

F1 2002 NI 2

F2 1999 NI 9

F3 Words in art. 242(2) substituted (26.1.2020) by The Seafarers (Collective Redundancies, Information and Consultation and Insolvency Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/12), regs. 1(1), **3(4)(a)** (with reg. 3(5)(6))

F4 2004 NI 19

F5 Words in art. 242(4) omitted (26.1.2020) by virtue of The Seafarers (Collective Redundancies, Information and Consultation and Insolvency Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/12), regs. 1(1), **3(4)(b)** (with reg. 3(5)(6))

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