

1973. No. 188

TERMS AND CONDITIONS OF EMPLOYMENT**Redundancy Payments (Merchant Seamen Exclusion)
Order (Northern Ireland) 1973***Made* 15th June 1973*Coming into operation* 1st September 1973*To be laid before the Parliament of the United Kingdom
under paragraph 4(5)(b) of the Schedule to the Northern
Ireland (Temporary Provisions) Act 1972.*

The Ministry of Health and Social Services on behalf of the Secretary of State and in exercise of powers conferred on it by section 26(5) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a) and of every other power enabling it in that behalf hereby makes the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Redundancy Payments (Merchant Seamen Exclusion) Order (Northern Ireland) 1973 and shall come into operation on 1st September 1973.

(2) The Redundancy Payments (Exclusion of Merchant Seamen) Order (Northern Ireland) 1968(b) is hereby revoked.

*Interpretation***2. In this Order—**

“the Act” means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965;

“employment” means employment of an individual who has entered into or works under (or, in the case of a contract which has been terminated, worked under) a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, is express or implied, oral or in writing, and whether it is a contract of service or of apprenticeship;

“merchant seaman” does not include any person employed in the fishing industry or any person employed on board a ship otherwise than by the owner, manager, or charterer of that ship except a person so employed as a radio officer but save as aforesaid includes a master or a member of the crew of any ship, an apprentice to the sea service, a person employed as a trainee undergoing training for the sea service, and a person ordinarily employed as a merchant seaman who is employed in or about a ship in port by the owner, manager, or charterer of the ship to do work of a kind ordinarily done by a merchant seaman on such a ship while it is in port;

(a) 1965. c. 19 (N.I.).

(b) S.R. & O. (N.I.) 1968, No. 147.

“relevant employment” means employment as a merchant seaman of a person who—

- (a) is neither domiciled nor has a place of residence in Northern Ireland; or
- (b) is serving in a ship under articles which include, or is employed in a ship under a crew agreement which includes, a requirement to observe National Maritime Board terms and conditions of employment for the time being in force, being a ship in respect of which the owner, manager or charterer is represented by an organisation affiliated to the National Maritime Board; or
- (c) is serving in any ship as a radio officer employed by a marine wireless company incorporated in Great Britain or Northern Ireland; or
- (d) is on leave (including leave in respect of incapacity for work due to sickness or injury) with or without pay, with the consent of his employer in accordance with express or implied terms of his contract of employment or apprenticeship, being a contract of employment or apprenticeship with an employer who is represented by an organisation affiliated to the National Maritime Board; or
- (e) is undergoing a course of training under his contract of employment or apprenticeship, being a contract of employment or apprenticeship with an employer who is represented by an organisation affiliated to the National Maritime Board; or
- (f) is employed in or about a ship in port by the owner, manager or charterer of the ship to do work of a kind ordinarily done by a merchant seaman on such a ship while it is in port, being an employment with an employer who is represented by an organisation affiliated to the National Maritime Board.

Exclusion of seamen in relevant employment

3. Section 11 of the Act shall not apply to any person in respect of any relevant employment.

Relevant employment to be disregarded in the calculation of redundancy payments

4. Where a person has been in relevant employment that employment shall be disregarded—

- (a) in ascertaining whether that person has been employed for the requisite period of one hundred and four weeks referred to in section 18(1) of the Act; and
- (b) in calculating under Schedule 3 to the Act the amount of any redundancy payment due to that person;

but not so as to break the continuity of that person's period of employment.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 15th day of June 1973.

(L.S.)

J. H. Scott,

Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order excludes certain employments as a merchant seaman from the operation of Parts II, III and IV of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.

The Redundancy Payments (Exclusion of Merchant Seamen) Order (Northern Ireland) 1968 is revoked.