



# Seafarers Wages Act 2023

## 2023 CHAPTER 8

### *National minimum wage equivalence declarations*

#### **4 Nature of declaration**

- (1) An equivalence declaration in respect of a service for a relevant year is a declaration within any of subsections (2) to (5).
- (2) A declaration is within this subsection if it is provided before the beginning of the relevant year and it is to the effect that—
  - (a) in the relevant year there will be no non-qualifying seafarers working on ships providing the service, or
  - (b) in the relevant year non-qualifying seafarers working on ships providing the service will be remunerated in respect of their UK work in relation to the service at a rate that is equal to or exceeds the national minimum wage equivalent.
- (3) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that—
  - (a) in what remains of the relevant year there will be no non-qualifying seafarers working on ships providing the service, or
  - (b) in what remains of the relevant year non-qualifying seafarers working on ships providing the service will be remunerated in respect of their UK work in relation to the service at a rate that is equal to or exceeds the national minimum wage equivalent.
- (4) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that—
  - (a) in so much of the relevant year as has already occurred—
    - (i) there have been no non-qualifying seafarers working on ships providing the service, or
    - (ii) non-qualifying seafarers working on ships providing the service have been remunerated in respect of their UK work in relation to the service

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*Status: This is the original version (as it was originally enacted).*

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- at a rate that is equal to or exceeds the national minimum wage equivalent, and
- (b) in what remains of the relevant year—
- (i) there will be no non-qualifying seafarers working on ships providing the service, or
  - (ii) non-qualifying seafarers working on ships providing the service will be remunerated in respect of their UK work in relation to the service at a rate that is equal to or exceeds the national minimum wage equivalent.
- (5) A declaration is within this subsection if it is provided after the end of the relevant year and it is to the effect that—
- (a) in the relevant year there were no non-qualifying seafarers working on ships providing the service, or
  - (b) in the relevant year non-qualifying seafarers working on ships providing the service were remunerated in respect of their UK work in relation to the service at a rate that is equal to or exceeds the national minimum wage equivalent.
- (6) For the purposes of this Act, the national minimum wage equivalent is an hourly rate specified in regulations.
- (7) Regulations may make provision for determining for the purposes of this Act—
- (a) the hourly rate at which a non-qualifying seafarer is remunerated in any period in respect of any work, and
  - (b) whether, or the extent to which, a non-qualifying seafarer’s work in relation to a service to which this Act applies is UK work.
- (8) Regulations under subsection (7)(a) may in particular make—
- (a) any provision referred to in section 2(2) to (6) of the National Minimum Wage Act 1998;
  - (b) provision relating to currency conversion.
- (9) The Secretary of State must in making regulations under this section seek to secure that a non-qualifying seafarer is for the purposes of this section remunerated at a rate equal to the national minimum wage equivalent only if their remuneration is in all the circumstances broadly equivalent to the remuneration they would receive if they qualified for the national minimum wage.
- (10) In this Act, “UK work” means work which is carried out in the United Kingdom or its territorial waters.