
STATUTORY INSTRUMENTS

1998 No. 2411

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998

Interpretation

- 2.—(1) In these Regulations, except where the context otherwise requires, any reference to—
- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and
 - (b) a numbered paragraph or sub-paragraph is a reference to the paragraph or, as the case may be, sub-paragraph bearing that number in the regulation or Schedule, as the case may be, in which the reference appears.
- (2) In these Regulations—
- “the Act” means the Merchant Shipping Act 1995;
 - [^{F1}“the CLP Regulation means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;]
 - “collective agreement” means a collective agreement within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾, the trade union parties to which are independent trade unions within the meaning of section 5 of that Act;
 - “Company” in relation to a ship to which these Regulations apply, means the owner of the ship or any other organisation or person such as the manager, or bareboat charterer, who has assumed the responsibility for operation of the ship from the owner;
 - “competent person” means a person who has sufficient training and experience or knowledge and other qualities, to enable him properly to undertake the duty imposed under the relevant provision in these Regulations;
 - “contract of employment” means a contract of employment, whether express or implied, and if express, whether oral or in writing;
 - “crew agreement” means a crew agreement made under section 25 of the Act;
 - “employer” means a person by whom a worker is employed under a contract of employment;
 - “the General Duties Regulations” means the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997⁽²⁾;
 - “health and safety” includes the occupational health and safety of persons whilst on board the ship and whilst boarding or leaving the ship;
 - “master” includes the skipper of a fishing vessel;

(1) 1992 c. 52.

(2) S.I.1997/2962.

“relevant agreement”, in relation to a worker, means a workforce agreement which applies to him, any provision of a collective agreement which forms part of a contract between him and his employer, or any other agreement in writing which is legally enforceable as between the worker and his employer;

“relevant inspector” means a person mentioned in paragraphs (a), (b) or (c) of section 258(1) of the Act;

“rest period” means any period which is not working time;

“sail training vessel” means a vessel which is being used either—

(a) to provide instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour and to advance education in the art of seamanship; or

(b) to provide instruction in navigation and seamanship for yachtsmen;

and is operating under a statutory code;

“statutory code” means—

The Code of Practice for the Safety of Small Commercial Sailing Vessels⁽³⁾;

The Code of Practice for the Safety of Small Commercial Motor Vessels⁽⁴⁾; or

The Code of Practice for Safety of Large Commercial Sailing and Motor Vessels⁽⁵⁾;

“trainees and apprentices” does not include trainees on a sail training vessel;

“United Kingdom ship” means a ship which—

(a) is a United Kingdom ship within the meaning of section 85(2) of the Act; or

(b) is a Government ship within the meaning of section 308(4) of the Act; or

(c) is a hovercraft registered under the Hovercraft Act 1968⁽⁶⁾;

“week” means a period of 7 days starting at midnight on Sunday;

“worker” means any person who is employed by an employer under a contract of employment, including trainees and apprentices;

“workforce agreement” means an agreement between an employer and workers employed by him or their representatives in respect of which the conditions set out in the Schedule to the Working Time Regulations 1998⁽⁷⁾ are satisfied;

“working time” means—

(a) any period during which the worker is working, at his employer’s disposal and carrying out his activity or duties; and

(b) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement;

and “work” shall be construed accordingly;

^[F2]“young person” means—

(a) in relation to employment on a sea-going United Kingdom ship, any person who is of the age of 16 or 17; or

(b) in relation to employment on any other United Kingdom ship, any person who is under the age of 18 and, in Great Britain is over school-leaving age for the purposes of

(3) Published by The Stationery Office in 1993 (ISBN 0–11–551184–9).

(4) Published by The Stationery Office in 1993 (ISBN 0–11–551185–7).

(5) Published by The Stationery Office in 1997 (ISBN 0–11–551911–4).

(6) 1968 c. 59.

(7) S.I. 1998/1833.

section 55 of the Act or, in Northern Ireland, is over compulsory school age within the meaning in Article 46 of the Education and Libraries (Northern Ireland) Order 1986.]

[^{F3}(3) Subject to paragraph (2), words and expressions used in the Regulations shall have the same meaning as in Council Directive 94/33/EC on the protection of young people at work, as it had effect immediately before IP completion day.]

Textual Amendments

- F1** Words in [reg. 2\(2\)](#) inserted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **7(2)**
- F2** Words in [reg. 2\(2\)](#) substituted (7.7.2002) by [The Merchant Shipping \(Hours of Work\) Regulations 2002 \(S.I. 2002/2125\)](#), [reg. 1](#), **Sch. 2 para. 4(a)** (with [reg. 3](#))
- F3** [Reg. 2\(3\)](#) substituted (31.12.2020) by [The Merchant Shipping and Fishing Vessels \(Health and Safety at Work\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1202\)](#), regs. 1(2), **5(2)** (as amended by [S.I. 2020/1000](#), regs. 1, 2); 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

- I1** [Reg. 2](#) in force at 30.10.1998, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998, Section 2.