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STATUTORY INSTRUMENTS

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**1998 No. 587**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Suspension from Work on Maternity Grounds  
(Merchant Shipping and Fishing Vessels) Order 1998**

<i>Made</i>	- - - -	<i>9th March 1998</i>
<i>Laid before Parliament</i>		<i>10th March 1998</i>
<i>Coming into force</i>	- -	<i>31st March 1998</i>

The Secretary of State, in exercise of the powers conferred on her by section 66(2) of the Employment Rights Act 1996 (“the 1996 Act”)(1) and of all other powers enabling her in that behalf, hereby makes the following Order:—

**Citation, commencement and interpretation**

1. This Order may be cited as the Suspension from Work on Maternity Grounds (Merchant Shipping and Fishing Vessels) Order 1998 and shall come into force on 31st March 1998.

**Specified provisions under the 1996 Act**

2. Regulation 8(3) and regulation 9(2) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(2) are hereby specified for the purposes of section 66(2) of the 1996 Act.

Signed by order of the Secretary of State.

9th March 1998

*Ian McCartney*  
Minister of State,  
Department of Trade and Industry

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(1) 1996 c. 18.  
(2) 1997/2962.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Regulations 8(3) and 9(2) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (“the 1997 Regulations”) require that in certain circumstances new or expectant mothers shall be suspended from work for health and safety reasons.

Sections 67 and 68 of the Employment Rights Act 1996 provide that before an employee is suspended from work on maternity grounds she has the right to be offered alternative work, and if she is suspended she has the right to be paid during the period of suspension. Under section 66 of the Act, an employee is suspended on maternity grounds if she is suspended under a provision for the time being specified in an order made by the Secretary of State.

This Order specifies regulations 8(3) and 9(2) of the 1997 Regulations, so that suspension under those provisions constitutes suspension on maternity grounds.

In this way, Articles 5(2), 5(3) and 7(2) of Council Directive [92/85/EEC](#) on the introduction of measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth and are breastfeeding (OJNo. L.348, 28.11.92, p. 1) are given similar effect in relation to women employed at sea as they have in relation to women employed on land in the United Kingdom.

A compliance cost assessment relating to the 1997 Regulations (which takes account of the effect of this Order) is available from the Marine Information Centre of the Marine Safety Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG.