

SCHEDULE 1

Regulation 2(1)

WORKFORCE AGREEMENTS

1. An agreement is a work force agreement for the purposes of these Regulations if the following conditions are satisfied—

- (a) the agreement is in writing;
- (b) it has effect for a specified period not exceeding five years;
- (c) it applies either—
 - (i) to all of the relevant members of the workforce, or
 - (ii) to all of the relevant members of the workforce who belong to a particular group;
- (d) the agreement is signed—
 - (i) in the case of an agreement of the kind referred to in sub-paragraph (c)(i), by the representatives of the workforce, and in the case of an agreement of the kind referred to in sub-paragraph (c)(ii), by the representatives of the group to which the agreement applies (excluding, in either case, any representative not a relevant member of the workforce on the date on which the agreement was first made available for signature), or
 - (ii) if the employer employed 20 or fewer individuals on the date referred to in sub-paragraph (d)(i), either by the appropriate representatives in accordance with that sub-paragraph or by the majority of the individuals employed by him; and
- (c) before the agreement was made available for signature, the employer provided all the employees to whom it was intended to apply on the date on which it came into effect with copies of the text of the agreement and such guidance as those employees might reasonably require in order to understand it in full.

2. For the purposes of this Schedule—

“a particular group” is a group of the relevant members of a workforce who undertake a particular function, work at a particular workplace or belong to a particular department or unit within their employer’s business;

“relevant members of the workforce” are all of the employees employed by a particular employer, excluding any employee whose terms and conditions of employment are provided for, wholly or in part, in a collective agreement;

“representatives of the workforce” are employees duly elected to represent the relevant members of the workforce, “representatives of the group” are employees duly elected to represent the members of a particular group, and representatives are “duly elected” if the election at which they were elected satisfied the requirements of paragraph 3 of this Schedule.

3. The requirements concerning elections referred to in paragraph 2 are that—

- (a) the number of representatives to be elected is determined by the employer;
- (b) the candidates for election as representatives of the workforce are relevant members of the workforce, and the candidates for election as representatives of a group are members of the group,
- (c) no employee who is eligible to be a candidate is unreasonably excluded from standing for election;
- (d) all the relevant members of the workforce are entitled to vote for representatives of the workforce, and all the members of a particular group are entitled to vote for representatives of the group;

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

- (e) the employees entitled to vote may vote for as many candidates as there are representatives to be elected; and
 - (f) the election is conducted so as to secure that—
 - (i) so far as practicable, those voting do so in secret, and
 - (ii) the votes given at the election are fairly and accurately counted.
4. In this Schedule “employee” means an individual who has entered into or works under a contract of employment.

SCHEDULE 2

Regulation 21

MISCELLANEOUS AMENDMENTS

1. Section 55 of the Act is amended as follows—
- (a) at the beginning of subsection (1) there shall be inserted “Subject to subsection (1A),”;
 - (b) after subsection (1) there shall be inserted—
 - “(1A) A person under 16 years of age shall not be employed in any sea-going United Kingdom ship.”; and
 - (c) in subsection (2)—
 - (i) in paragraph (a), after “in a ship” there shall be inserted “which is not a sea-going United Kingdom ship”,
 - (ii) in paragraph (b), after “in a United Kingdom ship” there shall be inserted “which is not a sea-going ship”; and
 - (iii) after paragraph (b) there shall be inserted—
 - “(c) prescribing circumstances and capacities in which persons of at least the age of 16 but under the age of 18 or under such lower age as may be specified in the regulations must not be employed in a sea-going United Kingdom ship or may be so employed only subject to such conditions as may be specified in the regulations.”.
2. Regulation 3 of the Merchant Shipping (Local Passenger Vessels) (Masters' Licences and Hours, Manning and Training) Regulations 1993(1) shall be amended as follows—
- (a) at the beginning of paragraph (3) there shall be inserted “Subject to paragraph (3A),”;
 - (b) after paragraph (3) there shall be inserted—
 - “(3A) Part III of these Regulations does not apply to a United Kingdom vessel to which the Merchant Shipping (Hours of Work) Regulations 2002 apply.”.
3. In the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997(2) the following provisions shall be omitted—
- (a) in regulation 2(1), the definition of “safety committee”;
 - (b) regulations 6 to 10; and
 - (c) in regulation 17—
 - (i) in paragraph (1), “9”;
 - (ii) in paragraph (2), “7(2)”; and

(1) S.I.1993/1213.

(2) S.I. 1997/1320; amended by S.I. 1997/1911, 2000/484.

(iii) paragraphs (2A) and (5) to (8).

4. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998 shall be amended as follows—

(a) for the definition of “young person” in regulation 2(2) there shall be substituted—

““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 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⁽³⁾

(b) in regulation 6—

(i) paragraph (6), and

(ii) in paragraph (7) the words “Where paragraph (6) does not apply,”, shall be omitted.

(3) S.I. 1986/594 (N.I. 3); Article 46 was substituted by Article 156 of S.I. 1989/2406 (N.I. 20).