
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the following provisions relating to seafarers' working conditions and entitlements:

- (a) those parts of the Maritime Labour Convention, 2006 (Cm 7049) ("the MLC") referred to below and their related mandatory Standards;
- (b) the corresponding parts of the Agreement set out in the Annex to Council [Directive 2009/13/EC](#) ("the 2009 Directive") of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006 (O.J. L124, 20.5.2009, p. 30); and
- (c) clauses 6 and 11 of the Agreement set out in the Annex to Council [Directive 1999/63/EC](#) ("the 1999 Directive") concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (O.J. L167, 2.7.1999, p. 33), as amended by Article 2(3) of the 2009 Directive.

With some exceptions (including pleasure vessels and fishing vessels) the Regulations apply to sea-going United Kingdom ships, wherever they are, and to sea-going non-United Kingdom ships whilst in United Kingdom waters (*regulation 3*).

Part 2 implements Regulation 1.1 of the MLC (Minimum age). Persons under the age of 16 must not work as seafarers and, with some exceptions, seafarers under the age of 18 must not work on ships at night (*regulations 4 and 5*). Separate provision is made in respect of non-United Kingdom ships with MLC documentation (*regulation 6*).

Part 3 implements part of Regulation 1.4 of the MLC (Recruitment and placement) and applies to all ships within the scope of the Regulations. When recruiting seafarers, a shipowner must only use a recruitment and placement service which is (a) based in a country which has ratified the MLC or (b) based in another country and compliant with the MLC standards (irrespective of whether it is required to be so under the domestic law of that country).

Part 4 implements Regulation 2.1 of the MLC (Seafarers' employment agreements). Every seafarer is required to have a seafarer employment agreement (a "SEA") with another person in respect of their work on a ship and the SEA must contain certain specified provisions (*regulations 9 and 10*). *Regulations 11 to 14* make related provision. Separate provision is made in respect of non-United Kingdom ships with MLC documentation (*regulation 15*).

Part 5 implements Regulation 2.2 of the MLC (Wages). Provision is made for the payment of interest on wages or other remuneration due to a seafarer which are not paid on time (*regulation 16*). Seafarers are entitled to receive an account of the wages or other remuneration due to them, at intervals not exceeding one month (and also following the termination of a SEA) (*regulation 17*). Separate provision is made in relation to non-United Kingdom ships with MLC documentation (*regulation 18*).

Part 6 implements Regulation 2.5 of the MLC (Repatriation). In the cases specified, a shipowner must make provision for the repatriation of a seafarer (*regulations 19 to 21*) and the shipowner is required to make provision for that seafarer's relief and maintenance pending repatriation (*regulation 22*). A seafarer must not be required to pay towards the costs of such repatriation or relief and maintenance, other than in cases of serious misconduct (*regulation 23*). *Regulation 24* makes provision with

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

respect to seafarer property left behind on a ship. *Regulation 25* requires that a copy of Part 6 of these Regulations and certain specified guidance is held on board ships and made available to seafarers. Where a shipowner fails to make provision for the repatriation of seafarers, or for their relief and maintenance pending repatriation, the Secretary of State is required to make such provision in the case of United Kingdom ships (and *may* do so in relation to non-United Kingdom ships) (*regulation 27*). Separate provision with regard to the repatriation of seafarers is made in respect of non-United Kingdom ships with MLC documentation (*regulation 28*).

Regulation 26, which applies to all ships within the scope of these Regulations, requires a contract of insurance or other security, adequate to ensure that the shipowner will be able to meet any liabilities arising from the duty to repatriate under regulations 19 and 21, to be in place.

Part 7 implements Regulation 3.1 of the MLC (Accommodation and recreational facilities). Ships are required to comply with the requirements relating to crew accommodation set out in Merchant Shipping Notice 1844 (M) and there are related inspection requirements (*regulation 29*). Provision is made to allow the Secretary of State to exempt ships from certain requirements in that Notice and to approve requirements which are substantially equivalent (*regulations 31 and 32*). Ships which were built before the coming into force of these Regulations (and whose crew accommodation has not been substantially reconstructed or altered after that date) are subject to requirements in earlier legislation (*regulation 30*). Separate provision is made with respect to non-United Kingdom ships with MLC documentation (*regulation 33*).

Part 8 implements Regulation 3.2 of the MLC (Food and catering). Provision is made in relation to the quantity and quality of food and drinking water provided for seafarers on board a ship and such food and water must be provided free of charge (*regulation 34*). Provision is made in relation to the storage and handling of food and drinking water provided for seafarers and the organisation and equipment of catering departments on board ships, with related inspection requirements (*regulations 35 and 36*). Certain ships are required to carry a qualified ship's cook (*regulation 37*). Provision is made to allow the Secretary of State to exempt ships from that requirement and to approve requirements which are substantially equivalent (*regulation 37*). Related provision is made in relation to the issue of certificates of competency as a ship's cook and the recognition of existing certificates of competency (*regulations 38 and 39*). *Regulation 40* imposes requirements in relation to the training of catering staff and other persons processing food in the galley of a ship. Separate provision is made in relation to food and catering on board non-United Kingdom ships with MLC documentation (*regulation 41*).

Part 9 implements Regulation 4.1 of the MLC (Medical care on board ship and ashore). In specified circumstances, a seafarer who is sick or injured is entitled to medical care on board ship and, for a maximum period of 16 weeks, to certain expenses arising from such sickness or injury (*regulation 43*). Certain ships are required to carry a medical practitioner (as defined – *see regulation 47*) (*regulation 44*). In the circumstances specified, a seafarer is entitled to seek medical attention onshore when the ship is in a port of call (*regulation 45*). Separate provision is made in respect of non-United Kingdom ships with MLC documentation (*regulation 46*).

Part 10 implements Regulation 4.2 of the MLC (Shipowners' liability). Other than *regulation 49* (which applies to all ships within the scope of the Regulations), Part 10 applies to United Kingdom ships and to non-United Kingdom ships without MLC documentation only. A seafarer who has become unemployed when the ship on which they work founders or is lost is entitled to receive a sum equivalent to the wages which would have been payable during the period specified and to compensation for other injury or loss (*regulation 48*). A seafarer who suffer sickness or injury in the circumstances specified is entitled to any unpaid wages (as defined – *see regulation 53*) for a specified period (*regulation 50*). A seafarer who remains incapable of work after that period is entitled to receive any basic wages (also defined *in regulation 53*) payable under the SEA for a 16 week period (less the amount of any social security benefits received in respect of that period). Provision is made in respect of property left behind on a ship by such a seafarer (*regulation 51*). Provision is made in respect of expenses incurred in connection with the burial or cremation of a

seafarer who dies on board a ship or whilst on shore leave in a country other than their country of residence (*regulation 52*).

Shipowners are required to ensure that a contract of insurance (or other security) is in force which adequately covers potential liabilities towards seafarers (*regulation 49*).

Part 11 confers powers to allow the inspection and detention of ships where breaches of these Regulations have occurred. Provision is made for the detention of a non-United Kingdom ship with MLC documentation at the request of a foreign State where a shipowner has defaulted in its duty to repatriate a seafarer (*regulation 57*).

Criminal penalties are attached to many of the requirements in the Regulations. Part 12 specifies the mode of trial and the maximum penalty level applicable to each offence (*regulation 59*) and provides a “reasonable steps” defence for all offences (except an offence under regulation 10(5)) (*regulation 60*).

Part 13 contains a provision requiring the Secretary of State to review the Regulations and to publish a report of that review within five years of their coming into force (and within every five years after that). Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the relevant provisions or to amend them.

Merchant Shipping Notices and Marine Guidance Notes are published by the Maritime and Coastguard Agency. Copies may be downloaded from the MCA’s website <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency> or by e-subscription from mnotices@ecgroup.co.uk with ‘Subscribe’ in the subject heading, or obtained from M-Notices Subscriptions, PO Box 362, Europa Park, Grays Essex RM17 9AY, tel 01375 484548, fax 01375 484556.

The MLC may be downloaded from the website of the International Labour Organisation (“ILO”) at www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm. Copies of the MLC may be obtained from www.tsoshop.co.uk, by e-mail from customer.services@tso.co.uk or by post from TSO, P.O. Box 29, Norwich, NR3 1GN, tel: +44 (0)870 600 5522/fax: +44 (0)870 600 5533, as a priced publication. Copies of the STCW Convention may be obtained via the website of the International Maritime Organization (“IMO”) at www.imo.org/Publications, by e-mail from sales@imo.org or by post from the IMO, 4 Albert Embankment, London SE1 7SR, tel: + 44 (0)20 7735 7611/fax: + 44 (0)20 7587 3241 as a priced publication.

Nine full impact assessments of the effect that this instrument will have on the costs of business and the voluntary sector are published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.