

EXPLANATORY MEMORANDUM TO
THE MERCHANT SHIPPING (MARITIME LABOUR CONVENTION)
(MINIMUM REQUIREMENTS FOR SEAFARERS ETC.) REGULATIONS 2014

S.I. 2014 No. 1613

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This is one of a series of instruments designed to bring UK law into line with the Maritime Labour Convention 2006 (“MLC”), an International Labour Organisation (“ILO”) treaty concerning seafarer employment on merchant ships.

2.2 This instrument imposes duties and requirements for the protection of seafarers on ships to which the MLC applies in relation to:

- the minimum age for employment on board such a ship and night work;
- shipowner use of recruitment and placement services;
- seafarer employment agreements;
- wages;
- rights to repatriation;
- crew accommodation;
- food and catering;
- medical care; and
- shipowners’ liability towards such seafarers.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The MLC was presented to Parliament in a White Paper (Cm 7049). The Convention came into force internationally on 20 August 2013. The UK ratified the MLC on 7 August 2013 and there is accordingly a legal obligation to ensure that our laws meet the requirements of the Convention by 7 August 2014.

4.2 The MLC as a whole consolidates amendments of various ILO Conventions, many of which the UK has ratified and is already bound by. A list of those Conventions is at Annex 1. All the MLC implementing instruments are therefore part of a wider consolidation exercise. This instrument contributes towards achieving this objective. Other instruments implementing the MLC are: -

- the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010 (SI 2010/737),

- the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (SI 2013/1785), and
 - the Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014 (SI 2014/308),
- which are in force;
- the Merchant Shipping (Maritime Labour Convention) (Consequential and Minor Amendments) Regulations 2014 (S.I. 2014/1614), and
 - the Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 (S.I. 2014/1615),
- which were made and will come into force at the same time as this instrument, and
- the Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014 (S.I. 2014/1616),
- which are expected to be made soon.

4.3 Annex 2 provides a high level summary of how each of the MLC Regulations referred to in paragraph 7.1 below is implemented by this instrument and how the new provisions work alongside existing legislative provision.

4.4 This instrument implements EU obligations as well as MLC obligations. EC Council Decision 2007/431 authorised Member States to ratify the MLC in respect of the provisions falling within EU competence. Further, those aspects of the Convention which fall within EU competence have been included in a European Social Partners Agreement which is implemented by Council Directive 2009/13/EC, which also amends Council Directive 1999/63/EC in respect of matters now covered by the MLC. A transposition note has been produced and is published alongside this Explanatory Memorandum.

4.5 The proposal that resulted in Directive 2009/13/EC was the subject of Explanatory Memorandum (EM) 11588/08 submitted by the Department for Transport on 23 July 2008. The House of Commons European Scrutiny Committee considered the EM on 10 September 2008. The Committee recommended that the document was not legally or politically important and cleared it (Report 32, Session 2007-2008). The House of Lords Select Committee on the European Union referred the EM to Sub-Committee G at the 1332nd sif on 29 August 2008. The Chairman wrote to the Minister on 16 October 2008, clearing the document from scrutiny but requesting further information. The Minister responded to the Chairman on 24 February 2009.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

5.2 This instrument applies to all sea-going United Kingdom ships wherever they are, excluding pleasure vessels, fishing vessels, ships of traditional build, naval auxiliaries, warships and vessels which are not ordinarily engaged in

commercial activities. Certain provisions are also dis-applied to some ships – for example, in Part 8, the requirement to carry a qualified ship’s cook does not apply to ships which ordinarily operate with less than 10 seafarers on board or to those ships whose area of operation is within 60 miles of a UK safe haven. The instrument also applies to sea-going non-United Kingdom ships when they are in United Kingdom waters.

5.3 In general, the obligations imposed on shipowners in relation to United Kingdom ships also apply in relation to non-United Kingdom ships which do not have MLC documentation (either because the flag State concerned has not ratified the MLC or has ratified but has not issued the ship with the necessary MLC documentation). The obligations imposed on shipowners with respect to non-United Kingdom ships with MLC documentation are imposed by reference to the relevant MLC standards. This is because:

5.3.1 The MLC states that a Maritime Labour Certificate is prima facie evidence of compliance with the Convention; and

5.3.2 If there are grounds for more detailed inspection, inspection of a ship with a Maritime Labour Certificate must take account of the MLC standards as implemented by the flag State.

The powers of inspection conferred by the instrument reflect this distinction.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 The instrument implements, in relation to ships within the scope of the MLC, the outstanding requirements in the following MLC Regulations and their related mandatory Standards (as well as the EU requirements referred to above):

Regulation 1.1 (Minimum age)

Regulation 1.4 (Shipowners’ duty with regard to recruitment and placement)

Regulation 2.1 (Seafarers’ employment agreements)

Regulation 2.2 (Wages)

Regulation 2.5 (Repatriation)

Regulation 3.1 (Accommodation and recreational facilities)

Regulation 3.2 (Food and catering)

Regulations 4.1 (Medical care on board ship and ashore)

Regulations 2.6 and 4.2 (Shipowners’ liability)

7.2 Many of the requirements of the MLC are already in place in existing UK legislation, but in a number of cases the application of that legislation does not correspond fully to that required by the Convention – for example certain duties only apply in respect of employed seafarers, whereas the MLC applies in respect of all seafarers regardless of their employment status. Some of the MLC

requirements are more detailed than the existing requirements – for example, in relation to a seafarer’s rights to repatriation. In addition, the instrument reflects the principle underlying the MLC that the shipowner has a duty to provide decent living and working conditions of all seafarers on board, whereas previous UK legislation places certain duties on individual employers.

7.3 Further details of the changes introduced by this instrument are at Annex 2.

- **Consolidation**

7.4 Not applicable.

8. Consultation outcome

8.1 Like all Conventions of the ILO, the MLC was drawn up on a tripartite basis in negotiations between shipowner organisations, seafarer organisations and governments, and the UK took a leading role in all three delegations. The Government has continued to work closely with industry on the implementation of the Convention, in particular through a national tripartite working group, which was set up in 2007. This group was consulted on many aspects of the implementation of the Convention, both prior to and following formal public consultation. In addition other meetings were held to identify any problems that might arise through implementation and to ensure that practical measures were proposed.

8.2 Formal public consultation on the draft proposals was carried out in a total of four packages, between March 2012 and July 2013. Some of these packages were subject to a shortened consultation period, in the light of the extensive consultation carried out in advance. One hundred and seventy six organisations were directly notified of the consultation exercises, including the UK Chamber of Shipping which represents a broad cross section of UK shipping companies in all sectors, and other trade associations such as the British Marine Federation and the International Marine Contractors Association.

8.3 There was widespread support for the implementation and ratification of the Convention, and most consultation comments related to the interpretation and practical implementation of Convention requirements. These comments have been taken into account in finalising both the legal provisions and supporting guidance.

8.4 In particular, concerns were raised regarding a proposal that a shipowner who was not the employer of a seafarer should nevertheless be a party to that person’s seafarer employment agreement. The Department responded to this by agreeing to provide instead that, where the seafarer is employed by someone other than the shipowner, the employer should be party to the agreement and the shipowner could sign the agreement as “guarantor” to the obligations of the employer in the event of employer default.

9. Guidance

9.1 The MCA has published guidance in Merchant Shipping Notices and Marine Guidance Notes supporting these Regulations. Some requirements are imposed by reference to a specific Merchant Shipping Notice. For example, the standards of crew accommodation for new ships required under Part 7 of the instrument are set out in Merchant Shipping Notice MSN 1844(M), which is referred to in the Regulations, and which contains related guidance. Otherwise, each Part is supported by a Marine Guidance Note, including Marine Guidance Note MGN 479(M) which provides information about the statutory provisions on repatriation and which must be carried on board ship for the information of seafarers on board (Part 6).

10. Impact

10.1 Overall, the impact on business, charities or voluntary bodies is expected to be small as in most cases the changes to existing requirements are relatively minor, or result in administrative requirements for shipowners which are relatively low cost. The exception is the requirements for crew accommodation which will increase the cost of building and operating new ships. Costs will only be incurred with regard to existing ships if major modifications are carried out.

10.2 The impact on the public sector is expected to be very limited, since any government ships affected by the legislation are expected already to be largely compliant with the requirements of the MLC.

10.3 The nine sets of provisions in this instrument were consulted on separately, although in four packages, to help to target relevant stakeholders and to control the workload being imposed on industry by the consultation. Each set of provisions therefore had a separate impact assessment, and there are nine impact assessments attached to this memorandum which will be published alongside the Explanatory Memorandum on www.legislation.gov.uk. A list of the IAs and the part of this instrument to which they relate is at Annex 3.

10.4 With a few exceptions, which are fully explained in the impact assessments, and were generally supported by industry on the grounds of equality for seafarers' employment protection with that enjoyed by other shore based UK workers, the measures do the minimum necessary to implement the MLC and the relevant Directives.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 There is no exemption as regards small business in this instrument. Such an exemption is not permitted under the MLC or the relevant Directives.

However, there has been extensive consultation with representatives of small vessel operators to discuss the practical implications of the MLC for them, and to explore pragmatic solutions to their concerns. Guidance relating to small vessels which is tailored to small businesses (e.g. checklists) has been published and is available in Marine Guidance Notes, MGN 490 (M) and MGN 491 (M). However, there is very limited scope for flexibility regarding the provisions contained in this instrument.

12. Monitoring and review

12.1 The intended outcome of these Regulations is that UK law complies with the relevant requirements of the Convention and Directives 1999/63/EC and 2009/13/EC.

12.2 At the ILO level, the ILO will conduct a review of the MLC after five years, taking into account the views of stakeholders.

12.3 At European level, the Commission is required to inform the European Parliament and the Council of progress in the implementation of Directive 2009/13 in the Member States on a biennial basis.

12.4 At the UK level, the instrument contains a review clause which obliges the Secretary of State to review the instrument no more than 5 years from the date it comes into force and at intervals no greater than 5 years thereafter.

13. Contact

Julie Carlton at the Maritime and Coastguard Agency Tel: 02380 329 216, Fax: 02380 329 251 or e-mail: Julie.Carlton@mcga.gov.uk can answer any queries regarding the instrument.

Annex 1 – Legislative context – table of earlier ILO instruments

Maritime Labour Convention		Earlier ILO Convention		
Title	Subject	Number	Title	UK Ratified?
1.1	Minimum age	No. 138	Minimum Age (Sea) Convention 1973	Footnote 1
1.4	Recruitment and Placement	No. 179	ILO Convention on the Recruitment and Placement of Seafarers, 1996	No
2.1	Seafarer employment agreements	No. 22	ILO Convention concerning Seamen's Articles of Agreement, 1926	Yes
2.2	Wages	No. 73, 93, 109	Wages, Hours of Work and Manning (Sea) Conventions	No
2.5	Repatriation	No 23 , 166	Repatriation of Seamen Conventions	No 23 only
3.1	Crew Accommodation	No 92, 133	Accommodation of Crews Conventions	Yes
3.2	Food and catering	No 68 , No 69	Food and Catering (Ships' Crews) Convention 1946; Certification of Ship's Cooks Convention 1946	Yes
4.1	Medical Care	No 164	ILO Convention concerning Health Protection and Medicare for Seafarers 1987	No
2.6/4.2	Shipowner liability/seafarer compensation	No 55; No 56	Shipowners' Liability (Sick and Injured Seamen) Convention 1936; Sickness Insurance (Sea) Convention 1936	No 55 – Footnote 1 No 56 - Yes

1. Not ratified by UK, but UK bound by virtue of ratification of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

What is done by this instrument?

References to “associated amendments”, unless otherwise specified, mean amendments made by the Merchant Shipping (Maritime Labour Convention) (Consequential and Minor Amendments) Regulations 2014 (S.I. 2014/1614).

Part 2 Minimum age

Introduces provisions to implement Title 1.1 of the MLC -

- to prohibit the employment, engagement or work of persons below 16 years of age; and
- to prohibit night work for those under 18 years of age except where it is essential to training or to the specific natures of the duty

These provisions apply regardless of employment status.

Existing UK provisions:

- The Merchant Shipping Act 1995 (“the MSA”) section 55(1) prohibits the employment of persons under school leaving age on any ship, and section 55(1A) prohibits the employment of those under the age of 16 on sea-going ships.
- The Merchant Shipping and Fishing Vessels (Health and Safety) (Employment of Young Persons) Regulations 1998 require employers to take measures to ensure the health and safety of young persons employed on ships.

Associated amendments

Section 55 of the MSA is disapplied in respect of ships to which this instrument applies.

Part 3 Recruitment and placement

Introduces a requirement that shipowners source their seafarers only through recruitment and placement services which conform to MLC standards.

Existing legislation

- The Conduct of Employment Agencies and Employment Businesses Regulations 2003 and the Conduct of Employment Agencies and Employment Businesses (Northern Ireland) Regulations 2005, as amended.

Associated amendments

- The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 will introduce minor additional requirements for employment agencies and employment businesses in the UK which recruit or place seafarers, to ensure full compliance with the MLC.

Part 4 Seafarer employment agreements (“SEAs”)

Introduces provisions to -

- Require every seafarer to have a SEA, setting out their terms and conditions of work;
- Specify the minimum contents of a SEA;

- Make separate provisions for the content of a SEA depending on whether the seafarer is an employee or not;
- Require that the seafarer has the opportunity to examine and take advice on the agreement before signing it;
- Specify the minimum notice period for termination of the agreement; and
- Make certain provisions as to the availability of the agreement for inspection.

Existing legislation

- Section 25 of the MSA requires a crew agreement to be in force for every ship in respect of seamen employed on board.
- The Merchant Shipping (Crew agreements, crew lists and discharge of seamen) Regulations 1991 (SI 1991/2144 – “the 1991 regulations”) exempt certain vessels and categories of person from the application of s25 and make other provisions as to the availability of the document.

Associated amendments

- Section 25 of the MSA is disapplied in respect of ships to which this instrument applies.
- The provisions of the 1991 regulations are amended to achieve compatibility with this instrument.

Part 5 Wages

Introduces revised arrangements for payment of seafarers such that:

- Their wages are paid at regular intervals not exceeding one month (failing which, a prohibitive rate of interest will apply);
- They receive an account of wages at regular intervals not exceeding one month;

Existing legislation

- Sections 30 and 31 of the MSA make provision to ensure that seamen are paid what they are due under a crew agreement, are provided with an account of their wages, and have a remedy where wages are unpaid.
- The Merchant Shipping (Seaman’s Allotments) Regulations 1972 and the Merchant Shipping (Seaman’s Wages and Accounts) Regulations 1972 make supplementary provisions.

Associated amendments

- Sections 30 and 31 of the MSA are disapplied in respect of ships to which this instrument applies.
- Section 70 of the MSA (regarding penalties where a seafarer is absent without leave) and the two 1972 instruments are amended to achieve compatibility with the MLC.

Part 6 Repatriation

Sets out the shipowner’s duties as regards the repatriation of seafarers, and associated provision. It introduces provisions to -

- Require the details of their entitlement (e.g. place for repatriation) to be specified in the seafarer’s SEA;

- Require the shipowner to have financial security to meet their liabilities under this instrument;
- Require the Secretary of State to provide relief and repatriation of a seafarer on a UK ship when the shipowner fails to do so;
- Provide for costs to be incurred by the Secretary of State to be recovered from the shipowner of a UK or a non-UK ship.

Existing legislation

- Sections 73 to 75 of the MSA and the Merchant Shipping (Repatriation) Regulations 1979 (SI 1979/97 – “the Repatriation regulations”) specify the duties of employers to repatriate seafarers employed under a crew agreement who are left behind.

Associated amendments

- Sections 73 to 75 of the MSA and the Repatriation regulations are disapplied in respect of seafarers to whom this instrument applies.

Part 7 Crew accommodation

Provides that

- New ships and ships which are substantially altered must comply with minimum standards of crew accommodation and recreational facilities, set out in the instrument and in Merchant Shipping Notice (MSN) 1844 (M).
- Existing ships, or ships which were substantially altered before the instrument comes into force, must comply with the relevant standards at the time they were built or substantially altered.

Allows for exemptions and substantial equivalents to be agreed in certain circumstances.

Existing legislation

- The Merchant Shipping (Crew Accommodation) Regulations 1978 (SI 1978/795 - “the 1978 regulations”).
- The Merchant Shipping (Crew Accommodation) Regulations 1997 (SI 1997/1508 - “the 1997 regulations”).

Associated amendments

- The requirements in the 1978 regulations and the 1997 regulations will continue to apply to ships built or substantially altered before this instrument comes into force.

Part 8 Food and catering

Places a duty on the shipowner to provide adequate food and drinking water free of charge to seafarers, and in particular requires that:

- the food prepared is varied, nutritious and takes into consideration any cultural and religious needs;
- meals will not contain anything not fit for consumption;
- food and drinking water is stored and handled properly;

- the catering department is organised and equipped in accordance with the requirements set out in MSN 1845 (M);
- catering staff are trained in basic food hygiene in accordance with MSN 1846(M); and
- ship's cooks are trained and qualified for their position on board, in accordance with MSN 1846(M).

Existing legislation

- Section 44 of the MSA (which provides for complaints about food and water on board ship).
- The Merchant Shipping (Certification of Ship's Cooks) Regulations 1981 (SI 1981/1076 – "the 1991 regulations")
- The Merchant Shipping (Provisions and Water) Regulations 1989 (SI 1989/102 as amended – "the 1989 regulations")

Associated amendments

- Section 44 of the MSA and the 1981 regulations are revoked. A complaints procedure for all aspects of the MLC was introduced in the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (SI 2013/1785)
- The 1989 regulations are dis-applied in respect of ships to which this instrument applies.

Part 9 Medical care on board ship and ashore

Introduces provisions to

- extend shipowner liability for medical care to cover seafarers wherever in the world they are;
- remove the existing limitation which excludes "medical care that cannot be postponed without impairing efficiency"; and
- introduce a new duty on the shipowner to allow a seafarer to seek medical attention in ports of call.

Existing legislation

- Merchant Shipping and Fishing Vessels (Medical Stores) Regulations 1995 (SI 1995/1802) as amended
- Merchant Shipping (Ship's Doctors) Regulations 1995 (SI 1995/1803 – "the Ship's Doctors regulations")
- Section 45 of the MSA

Associated amendments

- The Ship's Doctors regulations are revoked and replaced by this instrument.
- Section 45 of the MSA is dis-applied in respect of ships to which this instrument applies.

Part 10 Shipowner liability

Introduces provisions to

- Extend shipowner liability for losses incurred due to the wreck or loss of the ship and in respect of burials/cremation costs;
- Place a duty on shipowners to provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard; and
- Place a duty on shipowners to pay wages to incapacitated seafarers whether onboard or landed ashore.

Existing legislation

- Section 38(1) of the MSA relating to compensation of seamen employed under a crew agreement for loss and unemployment in the case of the wreck or loss of a ship.

Associated amendments

- Section 38(1) of the MSA is disapplied in respect of ships to which this instrument applies.

Annex 3 – Impact assessments

	IA reference	IA title	Relates to MS (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations
1.1	DfT 00210	Merchant Shipping (Maritime Labour Convention)(Minimum Age) Regulations	Part 2
1.4	DfT00194	Merchant Shipping (Maritime Labour Convention) (Recruitment & Placement) Regulations 2014- esp. section 6.2.4	Part 3
2.1	DfT00173	Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement) Regulations	Part 4
2.2	DfT00174	Merchant Shipping (Maritime Labour Convention) (Wages) Regulations	Part 5
2.5	DfT00071	Merchant Shipping (Maritime Labour Convention) (Repatriation) Regulations 1979	Part 6
2.6	DfT00028	Merchant Shipping (Maritime Labour Convention) (Shipowner liability) Regulations	Part 10
3.1	DfT00030	Merchant Shipping (Maritime Labour Convention) (Crew Accommodation) Regulations 2014	Part 7
3.2	DfT00027	Merchant Shipping (Maritime Labour Convention) (Food and Catering) Regulations 2014	Part 8
4.1	DfT00029	Merchant Shipping (Maritime Labour Convention) (Medical Care) Regulations	Part 9

Transposition Note

This note sets out the way in which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations'), together with other separately identified Merchant Shipping Regulations, transpose (a) Council Directive 2009/13/EC (O.J. No. L124, 20.05.2009, p.30) ("the 2009 Directive"); (b) the provisions in the Agreement annexed to the 2009 Directive; and (c) the provisions in clauses 6 and 11 of the Agreement annexed to Council Directive 1999/63/EC (O.J. L167, 2.7.1999, p. 33), as amended by Article 2(3) of the 2009 Directive.

The 2014 Regulations are made under the Merchant Shipping Act 1995 and the European Communities Act 1972 and apply in United Kingdom waters and to sea-going United Kingdom ships wherever they may be.

The responsibility for implementation of the 2009 Directive and the provisions referred to in (c) above rests with the Secretary of State for Transport.

Maritime and Coastguard Agency
Department for Transport

9 July 2014

Provision of Directive	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
Article 1	Purpose of the Directive	Transposition not required
Article 2 Paragraph 1 amends Clause 1 of the Annex to Directive 1999/63/EC by adding a new "point 3"	Determining categories of seafarers	Transposition not required
Article 2 Paragraph 2 amends Clause 2 of the Annex to Directive 1999/63/EC	Definitions of "seafarer" and "shipowner".	Regulation 2(1) of the 2014 Regulations

Provision of Directive	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
Article 2 Paragraph 3 replaces Clause 6 of the Annex to Council Directive 1999/63/EC	Prohibition on night work by seafarers under 18 years, and exceptions.	Regulation 5 of the 2014 Regulations
	Prohibition of engagement of seafarers under 18 on work likely to jeopardise health or safety.	Regulation 6(4) of S.I. 1998/2411. The types of work which are considered to be hazardous are listed in Merchant Shipping Notice (MSN) 1838(M)
Article 2 Paragraph 4 replaces Clause 13 of the Annex to Directive 1999/63/EC	Provisions for medical certification of seafarers	S.I. 2010/737, as amended by the Merchant Shipping (Maritime Labour Convention) (Consequential and Minor Amendments) Regulations 2014
Article 2 Paragraph 5 Replaces Clause 16 of the Annex to Directive 1999/63/EC	Entitlement to paid annual leave	Regulation 12 of S.I. 2002/2125 as amended by S.I. 2014/308
Article 3 Paragraph 1	More favourable provisions	Transposition not required
Article 3 Paragraph 2 and 3	Protection of existing standards.	Transposition not required
Article 3 Paragraph 4	Responsibility of the employer	Transposition not required.
Article 4	Requires effective, proportionate and dissuasive penalties	The 2014 Regulations impose appropriate penalties (mainly criminal penalties) for breaches of the relevant requirements. Civil remedies are available in a minority of cases. The level of criminal penalty for each offence created is specified in regulation 59 of the 2014 Regulations. Powers of inspection/detention of

Provision of Directive	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
		ships are also conferred.
Article 5 Paragraph 1	Requires implementation of the Directive required not later than 12 months after the date of entry into force of this Directive, and notification of implementing measures to the Commission.	Transposition not required Directive came into force on 20 August 2013 UK implementing measures therefore must be in force no later than 20 August 2014 Reference is made to the Directive in the Explanatory Note to the 2014 Regulations. This instrument and other related measures will be notified to the Commission.
Article 6	The principle of substantial equivalence	Provision is made for substantial equivalents, for example in regulation 9(4) and (6), and regulation 32 of the 2014 Regulations.
Article 7	Entry into force	Transposition not required
Article 8	Directive addressed to Member States.	Transposition not required

TABLE RELATING TO IMPLEMENTATION OF ANNEX TO COUNCIL DIRECTIVE 2009/13/EC (PROVISIONS RELATING TO THE AGREEMENT CONCLUDED BETWEEN ECSA AND ETF ON THE MARITIME LABOUR CONVENTION, 2006)

Reference in Annex to Directive 2009/13	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
Regulation 1.1 and Standard A1.1	Minimum age to work on a ship to be 16 years. Provision for higher minimum age in specified circumstances.	Regulation 4 of the 2014 Regulations Higher minimum ages are specified for specific roles (e.g. for ship's cook – see regulation 37(2) of the 2014 regulations read with regulations 38 and 42).
Regulation 1.2	Medical certification of seafarers	S.I. 2010/737, as amended by the Merchant Shipping (Maritime Labour Convention) (Consequential and Minor Amendments) Regulations 2014
Regulation 1.3	Training and qualifications	See primarily S.I. 1997/348 as amended by S.I. 1997/1911. There are specific provisions

Reference in Annex to Directive 2009/13	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
		for relevant training in other S.Is, for example S.I. 1997/2962.
Regulation 2.1	Seafarers' employment agreements	See below.
Standard A2.1 (except 2.1.1(e) and A2.1.3	Provisions relating to seafarers' employment agreements	Part 4 of, and Schedule 1, to the 2014 Regulations.
Standard A2.1.1(e) and Standard A2.1.3	Seafarers' record of employment on board ship	Regulation 12(5) and 12(6) and Schedule 2 of the 2014 Regulations
Regulation 2.3	Reference to Hours of Work and Hours of Rest provisions in Directive 1999/63/EC	S.I. 2002/2125 as amended by S.I. 2014/308.
Regulation 2.4.1	Entitlement to 2.5 days of annual leave per month of employment	Regulation 12 of S.I. 2002/2125 as amended by S.I. 2014/308
Regulation 2.4.2	Provision for shore leave	Regulation 12A of S.I. 2002/2125 inserted by S.I. 2014/308.
Regulation 2.5.1	Repatriation	See below.
Regulation 2.5.2	Requirement for financial security to ensure that seafarers are duly repatriated	Regulation 26 of the 2014 Regulations
Standard A2.5.1-3, A2.5.5 and A2.5.9	Provisions governing seafarers' entitlement to repatriation	Part 6 of the 2014 Regulations
Standard A2.5.4	Shipowner's right to recover costs from third parties under contractual arrangements	Transposition not required.
Standard A2.5.6	Detention of ships in case of shipowner's failure to repatriate seafarers.	Regulation 56(2) and 57 of the 2014 Regulations
Standard A2.5.7 and A2.5.8	Facilitation of repatriation of seafarers in ports	Transposition not required
Regulation 2.6	Seafarer compensation for ship's loss or foundering.	See below
Standard A2.6.1	Liability of shipowner to pay each seafarer an indemnity against	Regulation 48 of the 2014 Regulations

Reference in Annex to Directive 2009/13	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
	unemployment resulting from loss or foundering of the ship.	
Standard A2.6.2	The requirement referred to above is without prejudice to any other rights a seafarer may have under national law in respect of losses or injuries arising from a ship's loss or foundering.	Transposition not required
Regulation 2.7	Refers to provisions on safe and efficient manning of ships in Council Directive 1999/63/EC	S.I. 1997/1320 (as amended)
Regulation 2.8 and Standard A2.8	National policies to promote employment and career and skill development for domiciled seafarers.	Transposition not required The Government works with Merchant Navy Training Board and others to promote careers at sea, and provides grant funding to support professional training for seafarers (SMarT funding).
Standard A3.1.1	Accommodation and recreational facilities. Ships regularly trading to mosquito-infested ports to be fitted with appropriate devices	Regulation 29(2) of the 2014 Regulations imposes this requirement via paragraph 26 of MSN 1844(M).
Standard A3.1.2	Recreational facilities, for seafarers to be provided on board.	Regulation 29(2) of the 2014 Regulations imposes this requirement via paragraph 16 of MSN 1844(M).
Standard A3.1.3	Requirement for documented inspections of crew accommodation	Regulation 29(4) and (6) of the 2014 Regulations
Standard A3.1.4	Provision for seafarers' differing and distinctive religious and social practices.	Regulation 29(2) of the 2014 Regulations imposes this requirement via paragraph 2.9 of MSN 1844(M)
Regulation 3.2.1-3	Food and catering	Part 8 of the 2014 Regulations
Standard A3.2.1 to A3.2.8	Food and catering	Part 8 of the 2014 Regulations See also Merchant Shipping Notices MSN 1845(M) and 1846(M) Transposition not required re requirement for

Reference in Annex to Directive 2009/13	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
		undertaking educational activities in A3.2.8
Regulation 4.1.1	Medical care on board ship and ashore Requirement for protection of health of seafarers and access to medical care on board.	See below and S.I. 1995/1802, S.I. 1997/348.
Regulation 4.1.2	Seafarers in need of immediate medical care to have access to medical facilities on shore.	UK is a signatory to the FAL Convention, which requires seafarers to be given access to medical care and welfare facilities ashore – subject to normal border security procedures etc.
Regulation 4.1.3	Requirement for on-board health protection and medical care for seafarers to be comparable to that available to workers ashore.	Regulations 43 - 46 of the 2014 Regulations and S.I. 1995/1802 and S.I. 1997/348.
Standard A4.1.1	Medical care on board ship and ashore Principles governing measures for health protection and medical care, for seafarers	Regulations on health and safety, including health and safety policies, health surveillance and occupational exposure limits apply for seafarers on UK ships, in particular S.I. 1997/2962, S.I. 2007/3100, S.I. 2010/330, S.I. 2010/323., 2010/2984 as amended by 2013/1473. Part 9 of the 2014 Regulations. In addition, in respect of A4.1.1(b), S.I. 1995/1802 as amended and MSN 1768(M+F) and the IMDG Code require the carriage of relevant medical stores and first aid provision on board, and deck officers are trained in first aid and medical care (S.I 1997/348).
Standard A4.1.2	Requirement for a standard medical report form, and confidentiality of records.	Transposition not required. Form MSF 4155 is published on the MCA website. The Data Protection Act 1998 applies.
Standard A4.1.3	Requirements for on-board hospital and medical care facilities and equipment and training on ships to be established.	Regulation 29(2) of the 2014 Regulations imposes this requirement via section 24 of MSN 1844(M).

Reference in Annex to Directive 2009/13	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
Standard A4.1.4(a)	All ships to carry medical stores and a medical guide	S.I. 1995/1802 (as amended) imposes this requirement via MSN 1768 (M+F).
Standard A4.1.4(b)	Certain ships to carry a qualified doctor	Regulation 44 of the 2014 Regulations and MSN 1841(M).
Standard A4.1.4(c)	Requirement for ships which do not carry a doctor to have a competent person to provide medical care.	S.I. 1997/1320 safe manning requirements, including provision of medical care via MSN 1767 Section 2. Marine Guidance Note (MGN) 96(M) specifies the level of training required in different situations.
Standard A4.1.4(d)	Requirement for radio medical advice.	Transposition not required. See MGN 225(M+F) for information about UK provision of radio medical advice.
Regulation 4.2.1	Shipowners' liability Seafarers' right to financial support from the shipowner in case of sickness, injury or death	Part 10 of the 2014 Regulations, except regulation 48.
Regulation 4.2.2	Preservation of other legal remedies for a seafarer	Transposition not required.
Standard A4.2.1(a)	Shipowners' liability Shipowners to bear the medical costs for seafarers during or arising from their work on a ship	Regulation 43 of the 2014 Regulations
Standard A4.2.1(b)	Shipowners to provide financial security for compensation in the event of the death or long-term disability of seafarers	Regulation 49 of the 2014 Regulations
Standard A4.2.1(c) and A4.2.2	Shipowners liability for the expenses of medical care	Regulation 43 (3), (4) and (6) of the 2014 Regulations
Standard A4.2.3, A4.2.4 and A4.2.5 (a) to (c)	Shipowner liability for wages in case of seafarer's incapacity for work and exclusions	Regulation 50 of the 2014 Regulations

Reference in Annex to Directive 2009/13	Purpose of Provision of Directive	Implemented by the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ('the 2014 Regulations') and other Merchant Shipping Regulations as indicated
Standard A4.2.6	Exclusions for shipowner's liability for costs of medical care.	Regulation 43(5) of the 2014 Regulations
Standard A4.2.7	Protection of seafarers' property left on board by sick, injured or deceased seafarers	Regulation 51 of the 2014 Regulations
Regulation 4.3 and Standard A4.3	Health and safety protection and accident prevention	To be covered in a separate TN with EM to the Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014, to be made about the same time as the 2014 Regulations.
Regulation 4.4 and Standard A4.41-A4.4.3	Access to shore-based welfare facilities Seafarer Access to shore based welfare facilities.	Transposition not required. Such facilities are provided by charities on a non-statutory basis.
Regulation 5.1.5 and Standard A5.1.5	Provision for on-board complaints procedures	Regulation 13 of S.I. 2013/1785 and MSN 1849(M)

