
STATUTORY INSTRUMENTS

2014 No. 1615

**The Merchant Shipping (Maritime Labour Convention)
(Recruitment and Placement) Regulations 2014**

Interpretation and application

2.—(1) In these Regulations—

“the Act” means the Employment Agencies Act 1973 ^{M1};

“the Merchant Shipping Act” means the Merchant Shipping Act 1995 ^{M2};

“the Conduct Regulations” means the Conduct of Employment Agencies and Employment Businesses Regulations 2003 ^{M3};

“employment agency”—

- (a) means a business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) carried on in the United Kingdom which provides services for the purpose of finding persons employment with employers or of supplying employers with persons for employment by them, other than a business where the services provided are limited exclusively to the provision of information; and
- (b) includes a person carrying on such an employment agency, and in the case of a person who carries on both an employment agency and an employment business means such a person in their capacity in carrying on the employment agency;

“employment business”—

- (a) means a business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) carried on in the United Kingdom which supplies persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity; and
- (b) includes a person carrying on such an employment business, and in the case of a person who carries on both an employment business and an employment agency means such a person in their capacity in carrying on the employment business;

“fishing vessel” has the meaning given in section 313 of the Merchant Shipping Act;

“hirer” means a person (including an employment business) to whom an employment agency or employment business introduces or supplies or holds itself out as being capable of introducing or supplying a work-seeker;

“the Maritime Labour Convention” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organization ^{M4};

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) [^{F1} in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

- (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and]
- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in [F²paragraph] (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“seafarer” means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on a ship;

“sea-going” in relation to a United Kingdom ship means—

- (a) a ship which operates outside the waters specified as Category A, B, C and D waters in Merchant Shipping Notice 1837(M) ^{M5};
- (b) a ship to which the Merchant Shipping (Survey and Certification) Regulations 1995 ^{M6} apply and in respect of which no exemption granted under regulation 2(2) of those Regulations applies;
- (c) a ship to which regulation 4 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 ^{M7} applies and which falls within the description given in paragraph (3) of that regulation; or
- (d) a high speed craft in respect of which a permit to operate outside waters of Categories A, B, C or D has been issued in accordance with [F³regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022];

“ship” includes hovercraft;

“United Kingdom ship” means a ship which is—

- (a) a United Kingdom ship within the meaning of section 85(2) of the Merchant Shipping Act;
- (b) a Government ship within the meaning of section 308(4) of the Merchant Shipping Act which is ordinarily engaged in commercial maritime operations; or
- (c) a hovercraft registered under the Hovercraft Act 1968 ^{M8};

“work-finding services” means services provided—

- (a) by an employment agency to a person for the purpose of finding that person employment or seeking to find that person employment;
- (b) by an employment business to an employee of the employment business for the purpose of finding or seeking to find another person, with a view to the employee acting for and under the control of that other person;
- (c) by an employment business to a person (the “first person”) for the purpose of finding or seeking to find another person (the “second person”), with a view to the first person

becoming employed by the employment business and acting for and under the control of the second person; and

“work-seeker” means a person to whom an employment agency or employment business provides or holds itself out as being capable of providing work-finding services.

(2) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.

(3) These Regulations do not apply in relation to any arrangements, supply, services, functions or business specified in—

- (a) Article 11(5) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981^{M9}, where such activity takes place in Northern Ireland; or
- (b) section 13(7) of the Act, where such activity takes place in Great Britain.

(4) These Regulations do not apply in relation to the employment of a seafarer on the following types of ship—

- (a) pleasure vessels;
- (b) fishing vessels;
- (c) ships of traditional build;
- (d) warships or naval auxiliaries;
- (e) vessels which are not ordinarily engaged in commercial activities.

Textual Amendments

- F1** Words in reg. 2(1) substituted (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/242\)](#), regs. 1, **6(2)(a)**
- F2** Word in reg. 2(1) substituted (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/242\)](#), regs. 1, **6(2)(b)**
- F3** Words in reg. 2(1) substituted (19.12.2022) by [The Merchant Shipping \(High Speed Craft\) Regulations 2022 \(S.I. 2022/1219\)](#), reg. 1(1), **Sch. para. 18** (with reg. 4(2)-(4))

Marginal Citations

- M1** 1973 c.35.
- M2** 1995 c.21.
- M3** [S.I. 2003/3319](#), to which there are amendments not relevant to these Regulations.
- M4** Cm 7049.
- M5** Merchant Shipping Notice 1837(M) specifies which waters are Category A, B, C and D waters for the purposes of regulation 3(2)(a) of [S.I. 1992/2356](#), as the notice which currently supersedes Merchant Shipping Notice M1504 pursuant to regulation 2 of those Regulations.
- M6** [S.I. 1995/1210](#), amended by [S.I. 2004/302](#), [S.I. 2005/2114](#) and [S.I. 2010/1075](#); there are other amending instruments but none is relevant.
- M7** [S.I. 1998/2771](#), amended by [S.I. 2002/1473](#); there is another amending instrument which is not relevant.
- M8** 1968 c.59.
- M9** [S.I. 1981/839](#), to which there are amendments not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014, Section 2.