

## **DRAFT TRANSPOSITION NOTE**

Relating to the implementation of Article 2.3 of Council Directive 2009/13/EC (O.J. No. L124, 20.05.2009, p.30), which amends Council Directive 1999/63/EC (O.J No. L 167, 02.07.1999, p.33).

The Merchant Shipping (Maritime Labour Convention) (Minimum Age) Regulations 20\*\* (in this note referred to as “Minimum Age Regulations”) implement Article 2.3 of Council Directive 2009/13/EC, and Regulation 1.1 and Standard A1.1 of the Annex to the Directive which contains the Agreement between ECSA and the ETF on the Maritime Labour Convention, 2006. The Regulations apply to all seagoing ships other than pleasure and fishing vessels, ships of traditional build and warships. They amend section 55 of the Merchant Shipping Act 1995 (young persons) in respect of the vessels to which they apply. Other ships remain subject to section 55.

The responsibility for implementation of Council Directive 2009/13/EC rests with the Secretary of State for Transport, through the making of Regulations under the Merchant Shipping Act 1995 and the European Communities Act 1972.

Maritime and Coastguard Agency  
Department for Transport

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**TABLE RELATING TO IMPLEMENTATION OF DIRECTIVE COUNCIL  
DIRECTIVE 2009/13/EC**

<b>Article 2</b>		
<b>Para of 2009/13/EC</b>	<b>Provision</b>	<b>Implemented by the Merchant Shipping (Maritime Labour Convention)(Minimum Age) Regulations as follows</b>
<b>2.3</b>	<p>Clause 6 shall be replaced by the following:</p> <p>1. Night work of seafarers under the age of 18 shall be prohibited. For the purposes of this Clause, "night" shall be defined in accordance with national law and practice. It shall cover a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.</p>	Regulation 8 (1), 8(2) and 8 (4)
	<p>2, An exception to strict compliance with the night work restriction may be made by the competent authority when:</p> <p>(a) the effective training of the seafarers concerned, in accordance with established programmes and schedules, would be impaired, or</p> <p>(b) the specific nature of the duty or a recognised training programme requires that the seafarers covered by the exception perform duties at night and the authority determines, after consultation with the shipowners' and seafarers' organisations concerned, that the work will not be detrimental to their health or well-being.</p>	Regulation 8 (3)
	<p>3. The employment, engagement or work of seafarers under the age of 18 shall be prohibited where the work is likely to jeopardise their health or safety. The types of such work shall be determined by national laws or regulations or by the competent authority, after consultation with shipowners' and seafarers' organisations concerned, in accordance with relevant international standards.</p>	<p>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998 (S.I. 1998/2411) regulation 6(4) prevents the employment of persons under the age of 18 in work which is likely to jeopardise their health and safety through specified risks.</p> <p>The types of work which are considered to fall in to this category are listed in MSN xxxx</p>
<i>Annex: Agreement concluded between ECSA and ETF on the Maritime Labour Convention, 2006</i>		
Reg 1.1	1. No person below the minimum age shall be employed or engaged or	Regulation 7

	<p>work on a ship.  2. A higher minimum age shall be required in the circumstances set out in this agreement.</p>	<p>Higher minimum ages are specified under other regulations of the agreement for specific roles (e.g. for ship's cook under regulation 3.2). These are implemented by the relevant statutory instruments transposing those regulations.</p>
<p><b>Standard A1.1</b></p>	<p>The minimum age is regulated by Council Directive 1999/63/EC of 21 June 1999 (to be amended) concerning the European Agreement on the organisation of working time for seafarers (to be amended in accordance with Annex A to this Agreement)</p>	<p><i>Regulation 7</i></p>