



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XIII

#### MISCELLANEOUS

### CHAPTER I

#### PARTICULAR TYPES OF EMPLOYMENT

##### *Excluded classes of employment*

#### **199** **Mariners.**

- (1) Sections 1 to 7, [<sup>F1</sup>Parts 2 and 2B] and sections 86 to 91 do not apply to a person employed as a seaman in a ship registered in the United Kingdom under a crew agreement the provisions and form of which are of a kind approved by the Secretary of State [<sup>F2</sup>or an agreement specified in regulations under section 32(a) of the Merchant Shipping Act 1995].
- (2) Sections 8 to 10, Part III, sections 44, 45, 47, [<sup>F3</sup>47C, [<sup>F4</sup>[<sup>F5</sup>47E], [<sup>F6</sup>47F,]] [<sup>F7</sup>Part 5B, sections] 50 to 57B] and 61 to 63, [<sup>F8</sup>Parts [<sup>F9</sup>6A to 8B]], sections 92 and 93 and <sup>F10</sup> . . . [<sup>F11</sup>Part X] do not apply to employment as master, or as a member of the crew, of a fishing vessel where the employee is remunerated only by a share in the profits or gross earnings of the vessel.
- <sup>F12</sup>(3) . . . . .
- (4) Sections 8 to 10 and 50 to 54 <sup>F13</sup> . . . do not apply to employment as a merchant seaman.
- (5) In subsection (4) “employment as a merchant seaman”—
  - (a) does not include employment in the fishing industry or employment on board a ship otherwise than by the owner, manager or charterer of that ship except employment as a radio officer, but
  - (b) subject to that, includes—

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- (i) employment as a master or a member of the crew of any ship,
- (ii) employment as a trainee undergoing training for the sea service, and
- (iii) employment in or about a ship in port by the owner, manager or charterer of the ship to do work of the kind ordinarily done by a merchant seaman on a ship while it is in port.

(6) <sup>F14</sup> .....

<sup>F15</sup>(7) The provisions mentioned in subsection (8) apply to employment on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 if and only if—

- (a) the ship's entry in the register specifies a port in Great Britain as the port to which the vessel is to be treated as belonging,
- (b) under his contract of employment the person employed does not work wholly outside Great Britain, and
- (c) the person employed is ordinarily resident in Great Britain.

<sup>F15</sup>(8) The provisions are—

- (a) sections 8 to 10,
- (b) Parts II, [<sup>F16</sup>2B,]III and V,  
  - [ Part 5B,]
- <sup>F17</sup>(ba) (c) Part VI, apart from sections 58 to 60,  
  - [ Parts [<sup>F19</sup>6A to 8B,]
- <sup>F18</sup>(d) (e) sections 92 and 93, and
- (f) Part X.]

#### Textual Amendments

- F1** Words in s. 199(1) substituted (31.7.2023 for specified purposes) by [Employment \(Allocation of Tips\) Act 2023 \(c. 13\)](#), **ss. 12(2)(c)(i)**, 14(2); S.I. 2023/876, reg. 3(c)
- F2** Words in s. 199(1) inserted (7.8.2014) by [The Merchant Shipping \(Maritime Labour Convention\) \(Consequential and Minor Amendments\) Regulations 2014 \(S.I. 2014/1614\)](#), regs. 1, **3**
- F3** Words in s. 199(2) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 34(a)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 8, 10, 11)
- F4** Word in s. 199(2) inserted (6.4.2003) by [Employment Act 2002 \(c. 22\)](#), s. 53, **Sch. 7 para. 44(2)(a)**; S.I. 2002/2866, **art. 2(3)**, Sch. 1 Pt. 3
- F5** Word in s. 199(2) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 41(8)**, 59(2)-(4); S.I. 2005/872, **arts. 4, 5**, Sch. (subject to arts. 6-12)
- F6** Words in s. 199(2) inserted (6.4.2010 for certain purposes and otherwise prosp.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 40, 269(4), **Sch. 1 para. 7(a)**; S.I. 2010/303, **art. 4**, Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)
- F7** Words in s. 199(2) inserted (24.7.2023) by [Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023 \(c. 17\)](#), **ss. 1(7)(a)**, 3(2)
- F8** Words in s. 199(2) substituted (6.4.2003) by [Employment Act 2002 \(c. 22\)](#), s. 53, **Sch. 7 para. 44(2)(b)**; S.I. 2002/2866, **art. 2(3)**, Sch. 1 Pt. 3
- F9** Words in s. 199(2) substituted (4.12.2023) by [Carer's Leave Act 2023 \(c. 18\)](#), s. 3(3), **Sch. para. 13(a)**; S.I. 2023/1283, reg. 2
- F10** Words in s. 199(2) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 34(b), **Sch. 9(2)**; S.I. 1999/2830, art. 2(2)(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with Sch. 3 paras. 8, 10, 11)

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- F11** Words in s. 199(2) substituted (13.4.2018) by [The Seafarers \(Insolvency, Collective Redundancies and Information and Consultation Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/407\)](#), regs. 1(1), **2(2)** (with reg. 2(4)(5))
- F12** S. 199(3) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 34(c), **Sch. 9(2)**; S.I. 1999/2830, art. 2(1)-(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with transitional provisions in Sch. 3 paras. 8, 10, 11)
- F13** Words in s. 199(4) omitted (13.4.2018) by virtue of [The Seafarers \(Insolvency, Collective Redundancies and Information and Consultation Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/407\)](#), regs. 1(1), **2(3)**
- F14** S. 199(6) omitted (1.10.2002) by virtue of [The Fixed-term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002 \(S.I. 2002/2034\)](#), reg. 11, **Sch. 2 Pt. 1 para. 3(16)** (with regs. 13-20 and subject to transitional provisions in Sch. 2 Pt. 2)
- F15** S. 199(7)(8) inserted (25.10.1999) by 1999 c. 26, s. **32(4)**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. I** (with transitional provisions in Sch. 3 para. 7(2))
- F16** Word in s. 199(8)(b) inserted (31.7.2023 for specified purposes) by [Employment \(Allocation of Tips\) Act 2023 \(c. 13\)](#), ss. **12(2)(c)(ii)**, 14(2); S.I. 2023/876, reg. 3(c)
- F17** S. 199(8)(ba) inserted (24.7.2023) by [Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023 \(c. 17\)](#), ss. **1(7)(b)**, 3(2)
- F18** S. 199(8)(d) substituted (6.4.2003) by [Employment Act 2002 \(c. 22\)](#), s. 53, **Sch. 7 para. 44(3)**; S.I. 2002/2866, art. **2(3)**, Sch. 1 Pt. 3
- F19** Words in s. 199(8)(d) substituted (4.12.2023) by [Carer's Leave Act 2023 \(c. 18\)](#), s. 3(3), **Sch. para. 13(b)**; S.I. 2023/1283, reg. 2

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**Changes and effects yet to be applied to :**

- s. 199(2) word inserted by [2023 c. 46 Sch. para. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)
- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 163(6) inserted by [2022 c. 35 Sch. 5 para. 27](#)
- s. 205A(2)(ba) inserted by [2023 c. 46 Sch. para. 16\(2\)](#)
- s. 205A(8A) inserted by [2023 c. 46 Sch. para. 16\(3\)](#)
- s. 225(7)(8) inserted by [2023 c. 46 Sch. para. 17](#)

– s. 227(1)(zb)(zc) inserted by [2023 c. 46 Sch. para. 18](#)