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SCHEDULE 2

PART I

MARINERS' EMPLOYMENTS TO BE TREATED AS EMPLOYED EARNERS' EMPLOYMENTS FOR INDUSTRIAL INJURIES PURPOSES

1. In the provisions of this Part of this Schedule—

(1) “mariner” means a person who is or has been or is to be in employment under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where—

- (a) the employment in that other capacity is for the purposes of that ship or vessel or her crew or any passengers or cargo or mails carried thereby; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on her voyage;

(2) “British ship” means —

- (a) any ship or vessel belonging to Her Majesty;
- (b) any ship or vessel whose port of registry is a port in Great Britain;
- (c) any other British ship or vessel (not being a ship or vessel whose port of registry is a port in Northern Ireland) of which the owner (or managing owner if there is more than one owner) or the manager resides or has his principal place of business in Great Britain; and in this sub-paragraph the expression “British ship” shall have the same meaning as in the Merchant Shipping Acts 1894 to 1970;
- (d) any hovercraft registered in the United Kingdom, not being hovercraft whose owner (or managing owner if there is more than one owner) or manager resides or has his principal place of business in Northern Ireland, or whose owner (or managing owner if there is more than one owner) has no place of business in the United Kingdom;

(3) “manager” means in relation to any ship or vessel, the person to whom the management of the ship or vessel is entrusted by or on behalf of the owner; and references in this paragraph to the owner of a ship or vessel shall, in relation to a ship or vessel which has been demised, be construed as referring to the person for the time being entitled as charterer to possession and control of the ship or vessel by virtue of the demise or any sub-demise;

(4) “managing owner” means that owner of any ship or vessel who, where there is more than one such owner, is responsible for the control and management of that ship or vessel;

(5) “share fisherman” means any person who—

- (a) is ordinarily employed in the fishing industry otherwise than under a contract of service, as a master or member of the crew of any fishing boat within the meaning of section 373 of the Merchant Shipping Act 1894 being a fishing boat manned by more than one person, and remunerated in respect of that employment in whole or in part by a share of the profits or gross earnings of the fishing boat; or
- (b) has ordinarily been so employed, but who by reason of age or infirmity permanently ceases to be so employed and becomes ordinarily engaged in employment ashore in Great Britain, otherwise than under a contract of service, making or mending any gear appurtenant to a British fishing boat or performing other services ancillary to or in connection with that boat and is remunerated in respect of that employment in whole or in part by a share of

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the profits or gross earnings of that boat and has not ceased to be ordinarily engaged in that employment.

Commencement Information

II Sch. 2 para. 1 in force at 6.4.1975, see **reg. 1(1)**

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