STATUTORY INSTRUMENTS

1968 No. 1201

TERMS AND CONDITIONS OF EMPLOYMENT

The Redundancy Payments Exclusion of Merchant Seamen Order 1968

Laid before Parliament in draft

Made - - - *24th July* 1968

Coming into Operation *5th August* 1968

The Secretary of State in exercise of her powers under section 16(6) of the Redundancy Payments Act 1965(**a**) and of all other powers enabling her in that behalf hereby makes the following Order, a draft of which has been laid before Parliament and approved by resolution of each House of Parliament:—

Citation and commencement

1. This Order may be cited as the Redundancy Payments Exclusion of Merchant Seamen Order 1968 and shall come into operation on the 5th August 1968.

Interpretation

2.—(1) The Interpretation Act 1889(**b**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the Act" means the Redundancy Payments Act 1965;

"employment" has the same meaning as in section 25(1) of the Act and cognate expressions shall be construed accordingly;

"merchant seamen" does not include any person employed in the fishing industry or any person employed on board a ship otherwise than by the owner, manager or charterer of that ship except a person so employed as a radio officer but save as aforesaid includes a master or a member of the crew of any ship, an apprentice to the sea service, a person employed as a trainee undergoing training for the sea service, and a person ordinarily employed as a merchant seaman who is employed in or about a ship in port by the owner, manager or charterer of the ship to do work of a kind ordinarily done by a merchant seaman on such a ship while it is in port;

(**a**) 1965 c. 62. (**b**) 1889 c. 63.

"relevant employment" means employment as a merchant seaman of a person who—

(*a*) is neither domiciled nor has a place of residence in Great Britain ; or

(*b*) is serving in a ship under articles which include a requirement to observe terms and conditions of employment set out in any National Maritime Board agreement for the time being in force ; or

(*c*) is serving in any ship as a radio officer employed by a marine wireless company incorporated in Great Britain ; or

(*d*) is on leave (including leave in respect of incapacity for work due to sickness or injury) with or without pay, with the consent of his employer in accordance with express or implied terms of his contract of employment or apprenticeship ; or

(*e*) is undergoing a course of training under his contract of employment or apprenticeship ; or

(*f*) is employed in or about a ship in port by the owner, manager or charterer of the ship to do work of a kind ordinarily done by a merchant seaman on such a ship while it is in port.

Exclusion of seamen in relevant employment

3. Section 1 of the Act shall not apply to any person in respect of any relevant employment.

Relevant employment to be disregarded in the calculation of redundancy payments

4. Where a person has been in relevant employment that employment shall be disregarded—

(*a*) in ascertaining whether that person has been employed for the requisite period of one hundred and four weeks referred to in section 8(1) of the Act ; and

(*b*) in calculating under Schedule 1 to the Act the amount of any redundancy payment due to that person ;

but not so as to break the continuity of that person's period of employment.

24th July 1968.

Barbara Castle,
First Secretary of State and Secretary of State for Employment and Productivity.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order excludes certain employments as a merchant seaman from the operation of the Redundancy Payments Act 1965.