STATUTORY INSTRUMENTS

2018 No. 407

TERMS AND CONDITIONS OF EMPLOYMENT

The Seafarers (Insolvency, Collective Redundancies and Information and Consultation Miscellaneous Amendments) Regulations 2018

Made - - - - 22nd March 2018

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 209(1)(c) of the Employment Rights Act 1996(**1**), section 286(2) and (3) of the Trade Union and Labour Relations (Consolidation) Act 1992(**2**) and section 42(1) of the Employment Relations Act 2004(**3**), makes the following Regulations.

In accordance with section 236(3) of the Employment Rights Act 1996, section 286(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 and section 42(8) of the Employment Relations Act 2004, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seafarers (Insolvency, Collective Redundancies and Information and Consultation Miscellaneous Amendments) Regulations 2018 and come into force on the 22nd day after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Employment Rights Act 1996

2.—(1) Section 199 of the Employment Rights Act 1996 (mariners) is amended as follows.

(2) In subsection (2) for "Parts X to XII" substitute "Part X".

(3) In subsection (4) omit "and Part XII".

(4) The amendment made by paragraph (2), insofar as it relates to Part XI of the Employment Rights Act 1996, only has effect in relation to employees who on or after the date on which these Regulations come into force—

(**1**) 1996 c.18.
(**2**) 1992 c.52.
(**3**) 2004 c.24.

(a) are dismissed by reason of redundancy, or

(b) become eligible for a redundancy payment by reason of being laid off or kept on short-time.

(5) The amendment made by paragraph (2), insofar as it relates to Part XII of the Employment Rights Act 1996, and the amendment made by paragraph (3) only have effect in relation to employees whose employer has become insolvent(**4**) on or after the date on which these Regulations come into force.

Amendment of the Trade Union and Labour Relations (Consolidation) Act 1992

3.—(1) Section 284 of the Trade Union and Labour Relations (Consolidation) Act 1992 (share fishermen) is amended as follows.

(2) Omit—

"In Part IV, Chapter II (procedure for handling redundancies)."

(3) The amendment made by paragraph (2) only has effect in relation to dismissals(**5**) which are first proposed by an employer on or after the date on which these Regulations come into force.

Amendment of the Information and Consultation of Employees Regulations 2004

4.—(1) The Information and Consultation of Employees Regulations 2004(**6**) are amended as follows.

(2) Regulation 43 (exception for merchant navy) is omitted.

Review of Regulations

5.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in regulation 4, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(**7**) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Article 3(3) of Directive 2002/14/EC(**8**), which is amended by Article 3 of Directive 2015/1794/EC(**9**), is implemented in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(**4**) See section 183 of the Employment Relations Act 1996 for the meaning of "employer has become insolvent".
(**5**) See section 195 of the Trade Union and Labour Relations (Consolidation) Act 1992 for the meaning of "dismissals" in the context of redundancy.
(**6**) S.I. 2004/3426. There are amendments to this instrument but none is relevant.
(**7**) 2015 c.26. Section 30(3) was amended by the Enterprise Act 2016 (c.12), section 19.
(**8**) OJ No L 80, 23.2.2002, p 29.
(**9**) OJ No L 263, 8.10.2015, p 1.