

SEAFARERS' WAGES BILL

AMENDMENT TO BE MOVED AT COMMITTEE STAGE

Clause 1, page 1, line 10

Leave out "any kind" and insert "every description"

Effect

This amendment would bring the definition of ship into line with that under the Merchant Shipping Act 1995.

Reason

The Merchant Shipping Act 1995, section 313, defines "ship" as "includes every description of vessel used in navigation". In the interests of consistency across the statute book, it would be appropriate for the definition of ship in the Bill to match that under the 1995 Act.

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Clause 2, page 1, line 14

Leave out lines clause 2(a) and (b) and insert –

“(a) who is employed or engaged in any capacity on board any ship providing a service to which this Act applies,

(b) whose employment or engagement on board the ship is carried out in relation to the provision of the service, and”

Effect

This amendment would bring the definition of seafarer into line with the definition of “seaman” under the Merchant Shipping Act 1995.

Reason

The Merchant Shipping Act 1995, section 313, defines “seaman” as “includes every person (except masters and pilots) employed or engaged in any capacity on board any ship”. In the interests of consistency across the statute book, it would be appropriate for the definition of non-qualifying seafarers in the Bill to be aligned with that of “seaman” under the 1995 Act.

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Clause 11, page 8, line 2

After "may" insert "following consultation with relevant stakeholders"

Effect

This amendment would impose a duty on the Secretary of State to consult relevant stakeholders before giving guidance to harbour authorities as provided in clause 11(1).

Reason

Consultation provides for an additional layer of scrutiny by stakeholders. A requirement on the Secretary of State to consult will help to ensure openness and transparency of the Secretary of State's actions. Imposing a duty to consult will ensure any guidance is exposed to critical comment from stakeholders, which may improve the guidance.

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Clause 11, page 8, line 4

After "may" insert "following consultation with relevant stakeholders"

Effect

This amendment would impose a duty on the Secretary of State to consult relevant stakeholders before giving directions to one or more harbour authorities as provided in clause 11(2).

Reason

Consultation provides for an additional layer of scrutiny by stakeholders. A requirement on the Secretary of State to consult will help to ensure openness and transparency of the Secretary of State's actions. Imposing a duty to consult will ensure any directions are exposed to critical comment from stakeholders, which may improve the direction.

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Clause 12, page 8, line 33

Leave out subsection (3) and insert –

“(3) A statutory instrument containing (whether alone or with other provision) regulations made by a Minister of the Crown under any of the following provisions may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—

- (a) section 3 (power to request declaration);
- (b) section 4 (nature of declaration);
- (c) section 7 (imposition of surcharges);
- (d) section 9 (refusal of harbour access for failure to pay surcharge);

(4) Any other statutory instrument containing regulations made by a Minister of the Crown under any provision of this Act is subject to annulment in pursuance of a resolution of either House of Parliament.”

Effect

This amendment ensures that regulations under clauses 3, 4, 7 and 9 of the Bill are subject to the affirmative resolution procedure.

Reason

Clause 12 concerns the power to make regulations by statutory instrument, and currently sets out that regulations made under the Bill are subject to the negative resolution procedure (other than those in respect of clause 15).

Given the potential nature and impacts of the provisions which may be made by regulations under clauses 3, 4, 7 and 9 of the Bill, it is appropriate that such regulations should be subject to the affirmative resolution procedure to enhance the scrutiny of the regulations by the Parliament.