

Seafarers' Wages Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD HENDY

1 Page 1, line 5, at end, insert—

“(1A) This Act also applies to a service for the carriage of persons or goods by ship, with or without vehicles, between—

- (a) a place in the United Kingdom and another place in the United Kingdom;
- (b) a place in Crown Dependencies and a place in the United Kingdom;
- (c) an offshore oil and gas installation on the UK Continental Shelf and a place in the United Kingdom; and
- (d) an offshore renewable energy installation within the UK Exclusive Economic Zone and a place in the United Kingdom.”

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD MOUNTEVANS

2 Page 1, line 8, at end insert—

“(c) a service performed by a ship which is not required to have a national minimum wage equivalence declaration.”

Member's explanatory statement

This amendment seeks to clarify the scope of the bill from the outset.

Clause 2

LORD HENDY

3 Page 1, line 18, after “of” insert “section 40 of”

Clause 3

LORD HENDY

4 Page 2, line 4, leave out “may” and insert “must”

LORD TUNNICLIFFE

5 Page 2, line 6, at end insert “, unless subsection (1A) applies.

(1A) The authority may not request a national minimum wage equivalence declaration in respect of a ship which is, because of the establishment by the Government of a minimum wage corridor agreement with an international partner of the United Kingdom, bound to ensure that any non-qualifying seafarer working on that ship is remunerated for UK work at a rate that is equal to or exceeds the rate that would otherwise be required under this Act.”

BARONESS SCOTT OF NEEDHAM MARKET

BARONESS RANDERSON

LORD MOUNTEVANS

6 Page 2, line 13, leave out “ships providing the” and insert “a ship providing a”

Member’s explanatory statement

This amendment seeks to clarify that the scope of the Bill is individual ships rather than services provided by different ships.

LORD BERKELEY

LORD TUNNICLIFFE

LORD HENDY

7 Page 2, line 15, leave out first “the” and insert “a”

LORD HENDY

8 Page 2, line 15, leave out “the harbour” and insert “harbours in the United Kingdom”

LORD BERKELEY

LORD HENDY

9 Page 2, line 15, leave out “120” and insert “50”

LORD TUNNICLIFFE

10 Page 2, line 15, leave out “120” and insert “52”

Member’s explanatory statement

The amendment would mean that the legislation would apply to ships which dock on at least 52 occasions in each year, instead of at least 120.

LORD HENDY

11 Page 2, line 25, after “authority” insert “and the Maritime and Coastguard Agency”

LORD TUNNICLIFFE

12 Page 2, line 31, after “fine” insert “of at least £1,000,000”

Member's explanatory statement

The amendment would ensure that fines equal at least £1,000,000.

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 3 stand part of the Bill.

Member's explanatory statement

This is to probe whether Clauses 3 to 5 comply with the international frameworks and principles governing seafarers' remuneration which confer jurisdiction to the flag State.

Clause 4

LORD HENDY

13 Page 3, line 12, at end insert—

“(4A) Regulations under subsection (3)(a) must include the prohibition in section 2(5)(c) of the National Minimum Wage Act 1998 on deductions from pay of costs for providing seafarers' accommodation, food or water.”

14 Page 3, line 15, after “rate” insert “at least”

15 Page 3, line 20, leave out “or its territorial waters.” and insert “, the UK Continental Shelf and the UK Exclusive Economic Zone.”

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 4 stand part of the Bill.

Member's explanatory statement

This is to probe whether Clauses 3 to 5 comply with the international frameworks and principles governing seafarers' remuneration which confer jurisdiction to the flag State.

Clause 5

LORD HENDY

16 Page 3, line 30, leave out subsection (3)

Member's explanatory statement

Subsection (3) may encourage operators to avoid providing information to the Secretary of State by registering in countries or territories with more restrictive data protection laws than the UK.

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 5 stand part of the Bill.

Member's explanatory statement

This is to probe whether Clauses 3 to 5 comply with the international frameworks and principles governing seafarers' remuneration which confer jurisdiction to the flag State.

Clause 6

LORD TUNNICLIFFE

17 Page 4, line 7, at end insert—

“(1A) The Secretary of State must publish a statement within 30 days of the appointment of an inspector containing the name of the inspector.”

Member’s explanatory statement

This amendment would provide transparency over the appointment of inspectors.

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 6 stand part of the Bill.

Member’s explanatory statement

This is to probe whether Clauses 6, 7 and 9 constitute an appropriate application of the UK's domestic employment policy.

Clause 7

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDESON
LORD BERKELEY
LORD MOUNTEVANS

18 Page 5, line 36, leave out from “the” to end of line 38 and insert “Secretary of State in accordance with regulations.”

Member’s explanatory statement

This amendment, and the consequential amendments in the name of Baroness Scott of Needham Market, switch the duty for setting a tariff of surcharges from harbour authorities to the Secretary of State.

19 Page 5, line 39, leave out from first “by” to end of line 40 and insert “the Secretary of State must be published in such manner as they think fit.”

Member’s explanatory statement

See explanatory statement for the amendment in the name of Baroness Scott of Needham Market to page 5, line 36.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDESON
LORD BERKELEY

The above-named Lords give notice of their intention to oppose the Question that Clause 7 stand part of the Bill.

Member's explanatory statement

This amendment removes Clause 7 (Imposition of surcharges) from the bill. This, coupled with the new Clause 9 in the name of Baroness Scott of Needham Market, would replace the imposition of surcharges and refusal of harbour access with a more conventional regime of inspections, fines and detention of vessels as a deterrent for non-compliance with the bill, in an attempt to improve its effectiveness.

Clause 8

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD BERKELEY
LORD MOUNTEVANS

- 20 Page 6, line 12, leave out “a harbour authority” and insert “the Secretary of State”

Member's explanatory statement

See explanatory statement for the amendment in the name of Baroness Scott of Needham Market to page 5, line 36.

- 21 Page 7, line 2, leave out “a” and insert “the”

Member's explanatory statement

See explanatory statement for the amendment in the name of Baroness Scott of Needham Market to page 5, line 36.

- 22 Page 7, line 4, leave out “direct the harbour authority to”

Member's explanatory statement

See explanatory statement for the amendment in the name of Baroness Scott of Needham Market to page 5, line 36.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BERKELEY

The above-named Lords give notice of their intention to oppose the Question that Clause 8 stand part of the Bill.

Member's explanatory statement

The removal of Clause 8 of the bill is consequential on the removal of Clause 7, and seeks to improve the effectiveness of the deterrents available for non-compliance with the bill.

Clause 9

LORD TUNNICLIFFE
LORD MOUNTEVANS

- 23 Page 7, line 35, at end insert –
“(e) where doing so would not be in accordance with international maritime law.”

Member's explanatory statement

This amendment would prevent the refusal of harbour access where doing so would break international maritime law.

BARONESS SCOTT OF NEEDHAM MARKET
 BARONESS RANDERSON
 LORD BERKELEY
 LORD MOUNTEVANS

24 Leave out Clause 9 and insert the following new Clause—

“Detention of vessels for repeated contravention

A ship providing a service to which this Act applies may be detained by a person appointed by the Secretary of State for the purposes of this section if the operator of a service contravenes any of the provisions in this Act more than once in any 24-month period.”

Member’s explanatory statement

This amendment, along with the amendments to leave out Clauses 7 and 8, would replace the imposition of surcharges and refusal of harbour access with a more conventional regime of inspections, fines and detention of vessels as a deterrent for non-compliance with the Act, in an attempt to improve its effectiveness.

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 9 stand part of the Bill.

Member’s explanatory statement

This is to probe whether Clauses 6, 7 and 9 constitute an appropriate application of the UK's domestic employment policy.

After Clause 9

LORD TUNNICLIFFE

25 Insert the following new Clause—

“Impact assessment

Within 90 days of this Act being passed, the Secretary of State must publish a report on the impact of this Act on—

- (a) roster patterns;
- (b) pensions;
- (c) wages of seafarers.”

26 Insert the following new Clause—

“Engagement with trade unions

Within 90 days of this Act being passed, the Secretary of State must publish a strategy for engaging with trade unions for the purposes of monitoring the implementation of this Act.”

Clause 11

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON

27 Page 8, line 7, at end insert –

“(1A) The Secretary of State must give guidance to harbour authorities as to how to determine whether ships providing a service to which this Act applies are likely to meet the threshold set out in section 3(3).”

Member’s explanatory statement

This amendment seeks to probe whether the Government intends to provide guidance to harbours when seeking to determine whether ships using their ports will fall within scope of the Bill.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD BERKELEY

28 Page 8, line 7, at end insert –

“(1A) The Secretary of State must give guidance as to how harbour authorities might avoid any conflict of interests arising from the use of their powers under this Act.”

Member’s explanatory statement

This amendment seeks to prevent any conflict of interests arising from the use of powers available to harbour authorities under this Act.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON

29★ Page 8, line 8, leave out subsections (2) to (4)

Member’s explanatory statement

This amendment, and similar amendments to Clause 11, are intended to probe the Government’s reasoning for the wide-ranging power of direction under this Clause. This is in response to concerns raised by the DPRRC.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD BERKELEY

30 Page 8, line 12, leave out subsection (3)

Member’s explanatory statement

This amendment is consequential on the removal of Clause 8 of the bill.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD BERKELEY
LORD MOUNTEVANS

31 Page 8, line 16, leave out “harbour authority’s” and insert “Secretary of State’s”

Member's explanatory statement

See explanatory statement for the amendment in the name of Baroness Scott of Needham Market to page 5, line 36.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON

- 32★ Page 8, line 18, leave out “and directions”

Member's explanatory statement

This amendment, and similar amendments to Clause 11, are intended to probe the Government's reasoning for the wide-ranging power of direction under this Clause. This is in response to concerns raised by the DPRRC.

- 33★ Page 8, line 22, leave out paragraph (b)

Member's explanatory statement

This amendment, and similar amendments to Clause 11, are intended to probe the Government's reasoning for the wide-ranging power of direction under this Clause. This is in response to concerns raised by the DPRRC.

- 34★ Page 8, line 24, leave out subsection (7)

Member's explanatory statement

This amendment, and similar amendments to Clause 11, are intended to probe the Government's reasoning for the wide-ranging power of direction under this Clause. This is in response to concerns raised by the DPRRC.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD BERKELEY

- 35 Page 8, line 25, leave out “or section 8(8) or (10)”

Member's explanatory statement

This amendment is consequential on the removal of Clause 8.

Clause 12

LORD TUNNICLIFFE

- 36 Page 8, line 36, at end insert—
“(2A) Regulations under this Act may not reduce the range of services to which this Act applies.”

Member's explanatory statement

This amendment would prevent regulations which would reduce the services which this Act applies to.

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON

- 37★ Page 8, line 38, at end insert “with the exception of regulations made under section 3.
(3A) Regulations under section 3 may not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

This amendment would require regulations under section 3 to be made by the affirmative procedure, as recommended by the DPRRC.

After Clause 13

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD MOUNTEVANS

- 38 Insert the following new Clause—

“Interpretation: compliance with international agreements

So far as it is possible to do so, this Act and regulations made under it must be read and given effect in a way which is compatible with any international agreement to which the United Kingdom is a signatory.”

Member’s explanatory statement

This amendment seeks to probe the interaction of this bill and international agreements, in particular the United Nations Convention on the Law of the Sea.

Clause 14

BARONESS SCOTT OF NEEDHAM MARKET
BARONESS RANDERSON
LORD BERKELEY

- 39 Page 9, leave out line 32

Member’s explanatory statement

This amendment is consequential on the removal of Clause 7.

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10 October 2022
