

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4389 of 17th August, 2017

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LEGAL NOTICE NO. 158 OF 2017.

## INTERPRETATION AND GENERAL CLAUSES ACT

### EMPLOYMENT ACT (AMENDMENT) REGULATIONS 2017

In exercise of the powers conferred on it by section 23(g)(ii) of the Interpretation and General Clauses Act, and of all other enabling powers, and for the purpose of transposing into the law of Gibraltar Articles 4 and 5 of Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015, amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers, the Government has made the following Regulations—

#### **Title.**

1. These Regulations may be cited as the the Employment Act (Amendment) Regulations 2017.

#### **Commencement.**

2. These Regulations come into operation on 10 October 2017.

#### **Amendments of the Employment Act.**

3. The Employment Act is amended—

- (a) by deleting section 74(1)(b); and
- (b) in section 76, by inserting the following subsection after subsection (8)-
  - “(8A) Where the projected collective redundancy concerns members of the crew of a seagoing vessel, the employer the employer shall notify either-
    - (a) the Director, where the vessel is registered in Gibraltar; or

- (b) the competent authority of the State of the flag which the vessel flies.”.
- (c) by substituting the following subsections for section 78B(3)-
  - “(3) This Part shall apply to transfer of a seagoing vessel that is part of a transfer of an undertaking, business or part of an undertaking or business within the meaning of sub-sections (1) (2) and (4) if the transferee is situated, or the transferred undertaking, business, or part of the undertaking or business remains within the territorial scope of the Treaty on the Functioning of the European Union.
  - (3A) This Part shall not apply where the object of the transfer consists exclusively of one or more seagoing vessels.”.

Dated 17<sup>th</sup> August, 2017.

G H LICUDI QC,  
Minister for Employment,  
For the Government.

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#### **EXPLANATORY MEMORANDUM**

These Regulations amend the Employment Act in order to transpose into the law of Gibraltar Articles 4 and 5 of Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015, amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers.