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## **Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 (LOLER) and the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (PUWER)**

**Notice to all fishing vessel owners, fishing vessel operators, managers, manning agents and fishermen, Classification Societies, Certifying Authorities, Test Houses and Competent Persons.**

*This notice should be read with MGN 331 Amendment 1 and MGN 332 Amendment 1.*

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### **Summary**

This notice is intended to provide guidance to fishing vessel owners, employers, skippers and share fishermen on the application of the MS & FV (Provision and Use of Work Equipment) Regulations 2006 (PUWER) and the MS & FV (Lifting Operations and Lifting Equipment) Regulations 2006 (LOLER) to typical work equipment found on Fishing Vessels.

Following this guidance is not compulsory and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. The Fishing Industry Safety Group was consulted in the preparation of this guidance.

### **1. Responsibilities**

- 1.1 The fishing vessel owner and any employer of the fishermen working on board have a duty to ensure the health and safety of anyone working on their fishing vessel or affected by their undertaking – for example, anyone on the quayside when the fish is being unloaded. This includes
  - ensuring that equipment on the vessel is fit for purpose and safe to use;
  - having a maintenance and inspection regime to ensure that it remains in a safe condition; and
  - having a system to ensure that the maintenance inspection regime is being followed.
- 1.2 The skipper is responsible for ensuring that the maintenance and inspection regime is carried out and safe procedures for use of equipment are followed.
- 1.3 Individual fishermen are responsible for complying with on board procedures, following the orders of the skipper and reporting any defect that they notice.



- 1.4 Work equipment not owned by the fishing vessel owner but being used on the vessel for a work activity, for example a borrowed pot hauler, is also covered and it is the responsibility of the fishing vessel owner of the vessel where it is being used to ensure that it complies with all legal requirements.

## **2. Competent Person**

- 2.1 “Competent person” means a person possessing the knowledge or experience necessary for the performance of the duties under these Regulations.
- 2.2 The Regulations require that a competent person carried out inspection, thorough examination and testing and determining the frequency of thorough examination. The level of competence required for each of these duties should be determined by risk assessment taking into account the complexity of the equipment. It should not be assumed that possession of a Certificate of Competency automatically means that person is a “competent person” for every duty under these Regulations. The competent person in each case could be the skipper or a crew member or a shore-based person with the appropriate knowledge or experience. However, in respect of inspection and testing, the competent person should be sufficiently independent and impartial to allow objective decisions to be made.

## **3. General**

- 3.1 All tools, machinery and equipment used at work (‘work equipment’) are covered by the requirements of PUWER. This includes everything from a trawl winch to a gutting knife.
- 3.2 Work equipment which is also lifting equipment is subject to PUWER and will additionally be subject to the requirements of LOLER.
- 3.3 The provision of both PUWER and LOLER are applicable to self-employed share fishermen on fishing vessels in respect of their own activities or any equipment supplied by them for use of other persons.
- 3.4 PUWER requires that work equipment is suitable for the work to be carried out, or is properly adapted for that purpose, and may be used by workers without impairment to their health or safety. Modern equipment which is ‘CE marked’ should be accompanied by an instruction manual which contains information on the normal conditions of use of the equipment. Advice should always be sought from manufacturers and/or suppliers where work equipment is to be used for tasks for which it was not designed and tested.
- 3.5 For LOLER to apply the principal function of the work equipment should be ‘to lift a load’. Winches or similar equipment used only for hauling loads “horizontally” would not attract the application of LOLER but would be subject to PUWER. If such winches etc are also used for lifting then LOLER will also apply.
- 3.6 Fishing vessels themselves are not work equipment, but where parts of the vessel are a part of, or support lifting equipment, LOLER will apply to them in as much as their suitability to support the lifting equipment and its load must be assessed.

## **4. Standards of Equipment**

- 4.1 The flowchart at Annex 1 shows how MCA considers appropriate standards should be applied to lifting and hauling equipment on fishing vessels.
- 4.2 Although the EU Machinery Directive was not specifically applied to machinery on fishing vessels, the Merchant Shipping and Fishing Vessels (Provision and Use of Work



Equipment) Regulations require equipment to be to a suitable standard. The suitable standards for machinery are considered to be those of the Machinery Directive.

## **5. Periodic Inspections**

- 5.1 Risk assessments carried out to meet the requirements of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 should, if carried out properly, identify any significant risks from the use of the work equipment, including that used for lifting.
- 5.2 Where regular inspection or thorough examination of the equipment would address such risks, e.g. failure of a component through wear, PUWER or LOLER (as appropriate) requires periodic inspections and/or thorough examinations.
  - 5.2.1 PUWER requires that work equipment exposed to conditions causing deterioration liable to result in dangerous situations is inspected at suitable intervals to ensure that the integrity of the equipment is maintained and any deterioration detected and remedied in good time. MCA takes the view that any work equipment fitted on a fishing vessel is subject to conditions causing deterioration, due to the effects of salt water, vibration and movement of the vessel.
- 5.3 These inspections could be integrated into regular maintenance routines such as greasing etc. so that it is not forgotten.
- 5.4 Risk assessment should determine whether the work equipment could deteriorate in such a way as to pose a potential risk to operators or other persons.

## **6. Thorough Examinations**

- 6.1 LOLER requires that, where the safety of lifting equipment depends on the installation conditions, it is inspected by a competent person—
  - (a) after installation and before being put into service for the first time; or
  - (b) after assembly at a new site or in a new location, to ensure that it has been installed correctly, in accordance with any manufacturer's instructions, and is both safe to operate and capable of operating safely. In this context "inspection" means such visual or more rigorous inspection by a competent person and may include testing should this be considered appropriate by the competent person.
- 6.2 LOLER also requires that where lifting equipment or an accessory for lifting is exposed to conditions causing deterioration, which is liable to result in dangerous situations, it is thoroughly examined by a competent person:
  - (1) in the case of lifting equipment for lifting persons or an accessory for lifting at least every 6 months;
  - (2) in the case of other lifting equipment, at least every 12 months; or
  - (3) in either case, in accordance with a scheme of examination laid down by a competent person.
- 6.3 MCA takes the view that any lifting equipment fitted on a fishing vessel is subject to conditions causing deterioration, due to the effects of salt water, vibration and movement of the vessel.



- 6.4 A scheme of examination may set intervals greater or less than those in paragraph (1) or (2) but these intervals should be based on risk assessment taken together with the manufacturer's recommendations or professional expertise of a competent person.
- 6.4.1 Additionally, a thorough examination is required if the lifting equipment is exposed to 'exceptional circumstances' which are liable to jeopardize the safety of the equipment. In this context "exceptional circumstances" includes modification work, accidents, natural phenomena and prolonged periods of inactivity.
- 6.5 Recommended intervals for work equipment and lifting equipment specific to a fishing vessel are listed in the table in Annex 2.

Checklists are provided at Annex 3 (1) and (2).

- 6.5.1 A completed checklist in the form at Annex 3 (or one substantially similar) with a record of any remedial measures taken will generally be considered sufficient evidence of compliance with the LOLER and PUWER regulations in respect of inspection, thorough examination and testing. However, if the MCA surveyor attending the vessel has grounds to consider that the equipment is not in a safe condition, they may require additional examination or testing or other remedial measures to be undertaken by the owner or by an independent expert.

## More Information

Seafarer Safety and Health Branch  
Maritime and Coastguard Agency  
Bay 2/17  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

Tel : +44 (0) 203 8172498  
e-mail: [mhc@mcga.gov.uk](mailto:mhc@mcga.gov.uk)

Website Address: [www.gov.uk/government/organisations/maritime-and-coastguard-agency](http://www.gov.uk/government/organisations/maritime-and-coastguard-agency)

General Enquiries: [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)

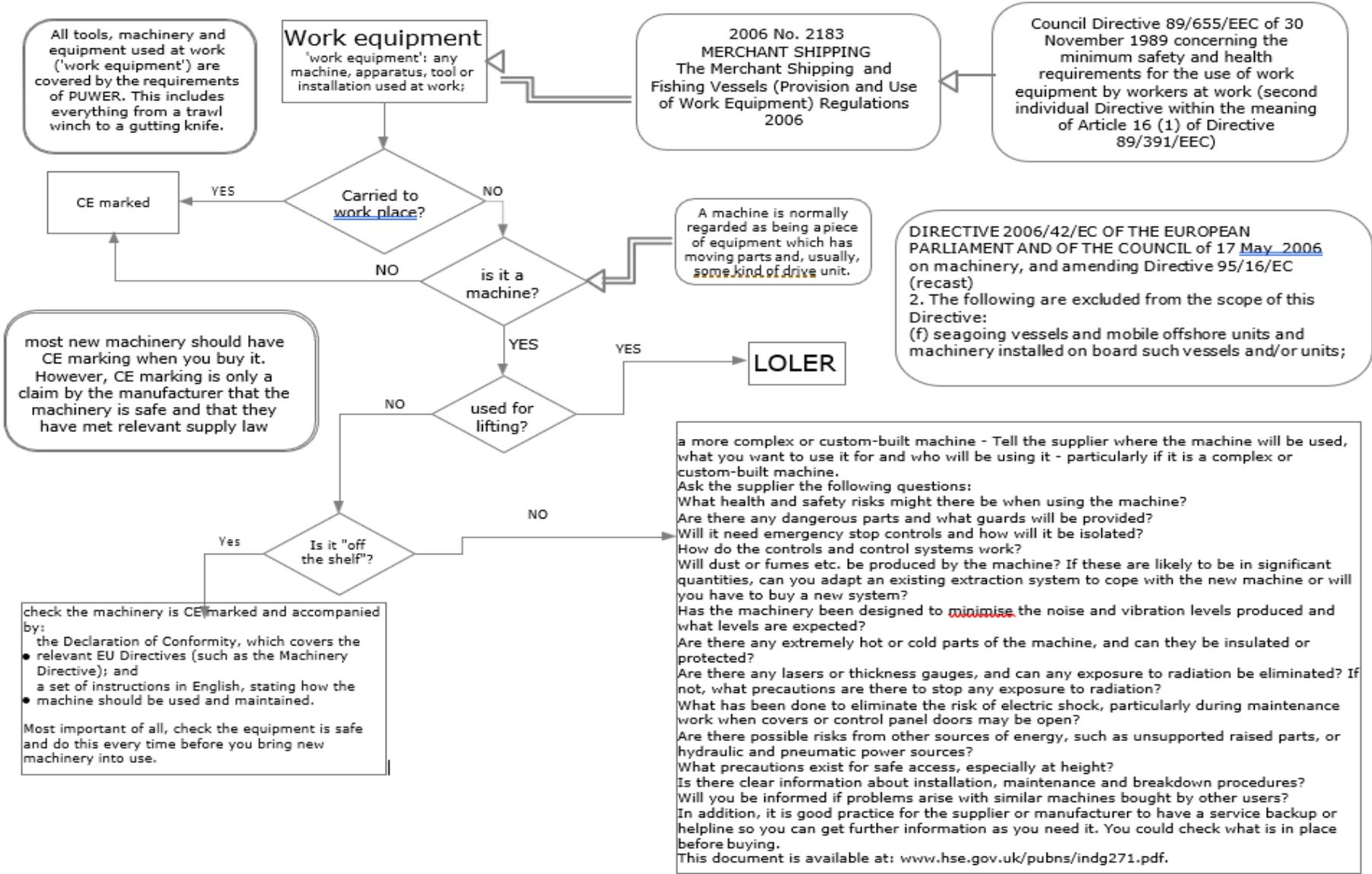
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**Summary of recommended inspection/thorough examination requirements for equipment used on fishing vessels**

(1) Frequency of Thorough Examinations of Lifting Equipment and Inspections of Work Equipment where both are required.

<b>Work equipment</b>	<b>Lifting Equipment Thorough Examination (section 6 of this MGN)</b>	<b>Inspection of work equipment (section 5 of this MGN)</b>	<b>COMMENTS</b>
Trawl blocks, gantries and lifting points	Annual	1 Month	All replacement fixed gear blocks (except trawl blocks) should be marked with a safe working load (SWL) or equivalent (and may also be certified)
Power block/crane	3 Months	3 Months	
Cod end Derrick	1 Month	1 Month	
Derricks and cranes including landing derrick	1 Month	1 Month	
Booms (beam trawler)	1 Month	1 Month	
Scotch poles (clammer)	1 Month	1 Month	
Hand blocks and pulleys (including catch loading pulley)	1 Month	1 Month	
Miscellaneous lifting gear eg. Chain blocks, engine room lifting equipment	Annually and before use if used frequently	Annually and before use if used frequently	

(2) Frequency where Inspection of Work Equipment only is required

<b>Work Equipment</b>	<b>Inspection Frequency</b>	<b>COMMENTS</b>
Trawl Winch and seats	3 Months	
Fishing blocks and leads	3 Months	
Rope reels and net drums	3 Months	
Haulers	3 Months	
Net stacker	3 Months	
Fish handling and processing systems	6 Months	Check guards
Gutting Machines	1 Month	Check guards
Tipping doors (clammer)	3 Months	
Auto hooks and baiter (long liner)	1 Month	Check guards
Riddler	1 Month	Check guards



**ANNEX 3 (1)**

Use the comments box to record any repairs or other rectification measures taken.

<b>Work Equipment</b>	<b>LOLER</b> (Time between checks in months)	<b>PUWER</b> (Time between checks in months)	<b>Date Inspected</b>	<b>Pass or Fail</b> (Indicate with a tick or cross)	<b>Comments</b>
Trawl Winch PORT					
Trawl Winch STBD					
Gilson Winch PORT					
Gilson Winch STBD					
Landing Winch PORT					
Landing Winch STBD					
Net Drum/s					
Pot/Line Hauler					
Emergency Stop Facilities Identify Locations Port/Stbd					
Hydraulic Isolation Valves					
Electrics					
Protective Guards on Machinery					
Lifting Equipment in Engine Room Gantry Crane Chain Blocks etc					
Fish Room Ladders					
Factory deck Equipment Gutting Machines etc					



Delete items which are not applicable. Additions can be made as applicable

Work Equipment	LOLER (Time between checks in months)	PUWER (Time between checks in months)	Date Inspected	Pass or Fail (Indicate with a tick or cross)	Comments
Gantry					
Goal Posts					
Lifting Boom PORT					
Lifting Boom STBD					
Landing Derrick PORT					
Landing Derrick STBD					
Topping Lift					
Cod End Lifting Gantry					
Hanging Blocks PORT					
Hanging Blocks STBD					
Loose Lifting Equipment Wire Strops Nylon Strops Chains Hooks					

