CHAPTER 1

SURVEYS AND INSPECTIONS

1.1 Purpose of the Instructions

1.1.1 These Instructions are issued by the Maritime and Coastguard Agency (MCA), an Executive Agency within the Department for Transport, for the guidance of its marine surveyors and inspectors for the purpose of ensuring compliance with the various Statutory Instruments covering fishing vessels. They also indicate to fishing vessel owners, fishing vessel builders and others concerned the procedure which the MCA adopts for the survey, inspection and certification of fishing vessels.

1.1.2 They are written to complement:

- MSN1871 Amendment No.1 - The Code of Practice for the Safety of Small Fishing Vessels;
- MSN1872 Amendment No.1 - The Code of Safe Working Practice for the Construction and Use of 15m (LOA) to less than 24m (L) Fishing Vessels
- MSN1873 Amendment No.1 – The Code of Practice for the Safe Construction and Operation of Fishing Vessels of 24m Registered Length and Over

1.2 Statutory provisions

1.2.1 The principal statutory provisions concerning the safety of fishing vessels are:

- The Merchant Shipping Act 1995, Chapter 21, Part V;
- The Fishing Vessels (Codes of Practice) Regulations 2017
- The MS (Radio) (Fishing Vessels) Regulations 1999;
- The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997
- The Merchant Shipping (Work in Fishing Convention) Regulations 2018
- The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018

1.2.2 Surveyors appointed under section 256 of the Merchant Shipping Act 1995 have the authority and power to inspect fishing vessels for the purpose of seeing that the provisions of the Codes have been complied with. This authority and power is derived from sections 121(4), 258 & 259 of the Act.
1.3 Definitions

In these Instructions the following definitions apply:

"the Act" means the Merchant Shipping Act 1995, Chapter 21.

"Approved equipment" is equipment that has been certified as complying with the standards listed in MSN 1734 & 1735 which although specifically for merchant ships are equally applicable for fishing vessels.

"Classed vessel" means a vessel having a valid Certificate of Class issued by an MCA recognised Classification Society (Lloyd's Register of Shipping, American Bureau of Shipping, Bureau Veritas, DNV-GL (Det Norske Veritas Germanischer Lloyd), or Registro Italiano Navale).

"Existing vessel" means a vessel which is not a "new vessel".

"Headquarters" (HQ) means the appropriate branch of the Maritime & Coastguard Agency, based in Southampton

"IFVC" means an International Fishing Vessel Certificate

"ILO" means the International Labour Organisation

"IMO" means International Maritime Organisation, 4, Albert Embankment, London SE1 7SR

"Merchant Shipping Notice" means a Notice described as such and issued by the Department for Transport; and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice. They are referred to throughout these Instructions as 'M Notices', whether nominated as MSN, MGN or MIN.

"New vessel" means a vessel whose keel was laid on or after 23.11.02 for the 15-24m boats. Additionally, there are requirements for new vessels built on or after 1/1/19 resulting from the implementation of ILO 188 in the UK. For the Over 24m vessels, 01.01.99 is the applicable date for vessels constructed after the implementation of EC Directive 97/70, although 01.01.03 brings in the 2003 EC Directive amendments, pursuant to an agreement for the construction of the vessel entered into on or after that date. Additionally, there are requirements for new vessels built on or after 1/1/20 resulting from the implementation of ILO 188 in the UK.

"Nominated bodies" are those detailed in MSN 1735 and which may undertake type approval of any of the categories of equipment in that notice.
"Notified bodies" are those bodies notified to the EU by member States as undertaking Marine Equipment Directive approval on their behalf. The UK notified bodies are listed in MSN 1734.

"Quality assured company" is a company certified as having a system in place to ensure that quality of their output is consistent. In the UK the system should be in accordance with the ISO 9000 series standards but other standards can be considered for overseas companies. Documentation supplied by quality assured companies can be considered acceptable to the MCA.

"Surveyor" means a surveyor appointed by the Secretary of State; MCA, classification society, or the Fishing Vessel Certifying Authority.

"proceeding to sea" refers to those vessels proceeding beyond categorised water limits; both these terms have the meanings assigned to them clarified by MSN 1837.

“UKFVC” means a United Kingdom Fishing Vessel Certificate.

1.4 Applicability of the Regulations

1.4.1 Part IV, Section 85(3) allows for Regulations to be made regarding survey and inspection of fishing vessels.

1.4.2 They do not apply to vessels which, although registered, are not for the time being used for or in connection with sea fishing, nor do they apply to vessels used for fishing otherwise than for profit.

1.4.3 A fishing vessel being used for other commercial purposes e.g. sea angling, diving, should be certificated under the appropriate Small Commercial Vessel Code or other applicable merchant shipping legislation, e.g. if carrying cargo then the Load Line Regulations will apply. Code vessels are limited to 12 passengers.

1.4.4 Where the vessel is being used for the non commercial benefit of the owner and friends, it may be considered a pleasure vessel and carry the crew and up to 12 other persons. Carriage of more than 12 other persons is not permitted without a passenger ship certificate, whether fares are paid or not.

1.5 Surveys, inspections and certification

1.5.1 For general guidance on the survey and inspection of fishing vessels you should refer to MSIS 38 and MSIS23 Part A. This chapter provides additional guidance that is specific to fishing vessels.

1.5.2 Under 15m vessels are subject to an inspection regime, operated in accordance with MSN 1871 Amendment No.1. MSF 1316 is issued upon satisfactory completion, valid for 5 years. The date of expiry of the Certificate
shall be 5 years from the date of the initial inspection in order that the date of expiry remains consistent while the vessel is on the Register. Annual self-certification on the Anniversary date by the owner is required on page 2 of this form. See Section 1.8 and MSIS 38 for further information. A vessel shall also be inspected at change of ownership. Change of Ownership Inspections for under 15m fishing vessels shall not be charged for unless a revisit is necessary.

1.5.3 In order to renew the vessel registration RSS require a certificate with at least six months duration as a means for demonstrating compliance with Merchant Shipping Acts (including any instrument made under them). Reference SI 1993 No. 3138 - The Merchant Shipping (Registration of Ships) Regulations, regulation 36(5). In order to facilitate this the window for renewal shall be increased from the standard three months to five months prior to the date of expiry. A renewal certificate may therefore be issued for more than five years when the inspection is completed prior to the date of expiry. If the inspection is completed after the date of expiry, the date of expiry will remain at the anniversary date five years later.

1.5.4 From 1 April 2019, any vessel of less than 15m LOA that has a deficiency with a Code 16 or 17 must NOT be given a Small Fishing Vessel Certificate until these deficiencies have been closed off. Unless there are exceptional circumstances, then the owner has 90 days to close off the deficiencies. To close the deficiencies off, the surveyor must decide whether the vessel must either be inspected again, at the MCA fees rate, or proof provided to the MCA that the deficiency has been cleared. The required corrective action should be recorded on the survey documentation so that it is clear what is required of the owner and by when. Exceptional circumstances may include when the vessel cannot be inspected within the 90 day period, for example in remote geographical areas or the owner is not able to close the deficiencies within 90 days. In circumstances where the 90 day period cannot be met, provided there is agreement between MCA and owner regarding progress towards clearing the deficiencies and/or the MCA has a date scheduled for a re-inspection, then an agreed period of extension should be agreed.

1.5.5 Subject to 1.5.4 above, if deficiencies have not been cleared within 90 days, or within any agreed extended period, then a prohibition notice shall be issued and the vessel be referred to RSS with a request that deregistration procedures begin

1.5.6 15 – 24m vessels are subject to a survey regime operated by MCA surveyors, see section 1.9 and MSIS 23 Part A Chapter 21, in accordance with MSN 1872 Amendment No.1. A UKFVC is issued on satisfactory completion of the initial survey, valid for 5 years. The date of expiry of the subsequent renewal of the Certificate shall be 5 years from the date of the previous certificate in order that the expiry date remains consistent while the vessel is on the Register. Intermediate inspections between the second and third Anniversary Date by MCA are required to maintain validity of the UKFVC. Annual self-certification by the owner is required on the Anniversary date.
1.5.7 Vessels of 15-24m must also be subject to an inspection at change of ownership. Technical Support team receive details of ownership changes from RSS and will inform Technical Managers on a monthly basis of vessels that require such an inspection. The change of ownership inspection shall consist of the following:

- A General Inspection
- ILO Inspection including but not limited too:
  - ILO documentation i.e. vessel at sea for 72 hours or more/200 miles
  - Fishermen’s Work Agreements
  - Risk Assessments
  - Crew Lists
- A survey to the scope of the Mid-term, without the Out of Water element – see Aide Memoire MSF5550 including but not limited too:
  - Radio Licence details changed
  - EPIRB Registry details changed
  - MMSI number
  - Certificate of Registry details correct
  - Check all LSA and FFE in date and not removed
  - Crew Drills
  - Crew Certificates
  - Publications and Charts
  - Manuals for equipment
  - Log books
  - Medicine Chest
  - Radio equipment
  - Review of Statutory Documentation
- Man Overboard Risk Review

1.5.8 The Change of Ownership inspection for vessels of 15-24m shall be chargeable. If the Change of Ownership Inspection is satisfactory, a new Certificate shall be issued, with expiry based on the original survey and Anniversary dates. The Declaration can be used to record this activity for future reference.

1.5.9 Vessels over 24m length are subject to a survey regime operated by MCA surveyors, see section 1.10, and MSIS 23 Part A Chapter 20 in accordance with MSN 1873 Amendment No.1, although hull & machinery surveys may be delegated to Class, in accordance with MGN 322. An IFVC is issued on satisfactory completion of the initial survey, valid for 4 years. The date of expiry of the subsequent renewal Certificate shall be 4 years from the date of the previous Certificate in order that the date of expiry remains consistent while the vessel is on the Register. Intermediate survey and annual radio surveys are required to maintain validity of the IFVC.
1.5.10 Vessels of 24m and over must also be subject to an inspection at change of ownership, which is chargeable. Technical Support team receive details of ownership changes from RSS and will inform Technical Managers on a monthly basis of vessels that require such an inspection.

1.5.11 Technical Support Team will inform owners of vessels of 15m LOA and over at least 6 months before a renewal survey is due and at least 3 months before their intermediate inspection or survey window opens. Marine Offices should also write to owners of vessels under 15m LOA to inform them in advance that their inspection is due.

1.5.12 If the owner has not arranged their inspection or survey either by the time their Certificate expires or by the time the intermediate window closes, then a prohibition notice must be issued and the owners informed that RSS will be asked to commence deregistration proceedings. If an inspection or survey is arranged, but the owner fails to present the vessel, then a new inspection or survey may be arranged but if the vessel cannot be seen until after the Certificate expires or the intermediate window closes, then at the time of expiry or the window closing, a prohibition notice must be issued. If the owner again fails to present the vessel for inspection or survey, then the owner must be informed that RSS will be asked to commence deregistration proceedings.

1.5.13 In summary, any vessel, regardless of size, that fails to undertake a mandatory inspection, or survey, within the timescales specified, without good reason (examples are contained in this chapter of when a survey or inspection may be delayed), must be referred to RSS for de-registration procedures to begin.

1.5.14 Aide Memoires must be used to ensure that surveys and Inspections are consistent and address all items. They also provide assurance, through the guidance contained in the Aide Memoire, to the owners that we are surveying their vessels in a manner consistent with vessels in other areas.

1.5.15 The following Aide Memoires should be used to ensure that all items are addressed.

- **MSF 5549** – Survey/Inspection Checklist – Fishing Vessels of less than 15m Length Overall
- **MSF 5550** – Survey/Inspection Checklist – Fishing Vessels of 15m Length Overall to less than 24m Registered Length
- **MSF 5551** – Survey/Inspection Checklist – Fishing Vessels of 24m Registered length and Over.
- **MSF5587** – Aide Memoire – Work in Fishing Convention 2007, ILO Convention 188
1.5.16 MSF 5552 should still be used for Unclassed Surveys of vessels of 24m and Over.

1.5.17 Flag-in vessels of 24m and over should be classed, and treated as far as practicable as new vessels. Vessels that are not classed must apply to MCA HQ for consideration by the flag-in panel as to whether they can be accepted, and if so, under what conditions.

1.5.18 The Agency booklet “Fishermen’s Safety Guide” should be issued in conjunction with issue of a FV Certificate along with any other current publications which help promote safety.

1.5.19 To note, the phase in periods for EPIRBs, PLBs and Liferafts in MSN 1871 Amendment No.1 have now expired.

1.5.20 Where there is a fatality or serious injury amongst the crew of a UK registered FV, serious damage to the vessel, major mechanical breakdown (which results in the vessel being towed into port) or sinking, the MCA will make every endeavour to either conduct an inspection of the vessel or follow up the incident. The extent of the inspection / follow up will depend on the nature of the incident. Inspection will take priority over routine survey and inspection work. If an inspection is not immediately possible due to other priority work, then contact should be made with the owner / skipper and an inspection arranged for a later date. If the vessel has sunk then contact should be made with the owner/skipper/crew to establish the facts surrounding the incident.

1.5.21 The purpose of such an inspection is to ensure that the vessel complies with the relevant code, but also to ensure that the working practices relevant to the circumstances of the accident were adequate and were consistent with existing rules. An assessment will also need to be made whether the vessel can return to fishing, or allowed to sail to a suitable repair port as necessary.

1.5.22 Where the vessel has sunk then the purpose of the follow up inquiry is to establish as far as possible what happened, were there any significant breaches of regulation, who was onboard, and were they qualified. On occasion MCA surveyors will be working alongside Marine Accident Investigation Branch (MAIB) inspectors; in this instance MAIB takes the lead on accident investigation, MCA takes the lead on enforcement and vessel inspection.

1.5.23 Further details on the Inspection process when there has been either; a fatality or serious injury amongst the crew of a UK registered FV, serious damage to the vessel, major mechanical breakdown is contained in Annex 23.
1.6 Exemptions

See also MSIS 23 Part A Chapters 20 and 21

1.6.1 Section 18 of the Fishing Vessels (Codes of Practice) Regulations 2017 allows for exemptions from the Regulations. Exemptions are not usually given to new construction, but are considered for existing vessels in accordance with the Handbooks of Exemptions to the 1975 Rules, which are available as appendices to these instructions.

1.7 Documents to be carried

1.7.1 Documents to be carried include:

- All Fishing Vessels over 16.8m (55 ft) require to keep an official logbook;
- Every fisherman working on a fishing vessel engaged in commercial operations must have a fisherman’s work agreement (FWA), setting out their terms and conditions; and
- An up to date list of crew to be maintained and kept ashore with a nominated person when the vessel is at sea.
- From November 2019 Minimum Safe Manning Document for vessels over 24m and of any size at sea for 72 hours or more
- Risk Assessment – including being written for Man Overboard risks.
- Hours of work records

1.7.2 Further details are listed in MSNs 1303 and 1314, as may be amended or superseded.

1.7.3 Whilst carriage of Merchant Shipping Notices is a requirement, only those relevant to fishing vessels need be carried. An index is available on the MCA website under 'Guidance and Regulations'.

1.8 Inspection of under 15m Fishing Vessels

1.8.1 The inspections of under 15m LOA vessels are undertaken by Fishing Vessel Surveyors. For first visits, these inspections are free of charge, if a second or more visits are required fees are charged.

1.8.2 The requirements for inspections are detailed in “The Code of Practice for Small Fishing Vessels”, Merchant Shipping Notice MSN 1871 Amendment No.1. The Owner/Skipper should still be sent the relevant Aide Memoires contained at Annex 17 and the new “Fishing Vessel Surveys and Inspection – How to Prepare for your next MCA visit” (MCA037 2019 – Available from January 2020) when arranging the date of inspection to allow them to prepare. This booklet is available in hard copy or electronic and can be sent either by post or email. The electronic version contained links to other related Notices, guidance and advice. These inspections are reported on Pelorus online reporting system, which are inputted by the attending surveyor. Following a satisfactory inspection
where defects have been cleared, the documentation should be prepared, sent for approval and the certificate MSF 1316 should be issued. Vessel owners should complete the Annual Self Certification on page 2 of MSF 1316.

1.8.3 Newbuildings (and vessels built after 16 July 2007 being Registered for the first time – see also Notes 2 and 3 and section 1.8.24 to 1.8.27 below) of under 7m LOA require a Certificate from a Fishing Vessel Certifying Authority (FVCA) (or if the build was finished before 21 July 2020, from Seafish) for the hull demonstrating compliance with the Construction Standards set out in MGN628 (or if the build was finished before 21 July 2020, the Seafish Construction Standards) or from a Recognised Organisation. The New Build Procedures are set out in MSIS27 Chapter 1 Annex 24 and in MGN628.

1.8.4 Newbuilds of 7m LOA to less than 12m Registered Length (and vessels built after 16 July 2007 being Registered for the first time – see also Notes 2 and 3 and section 1.8.24 to 1.8.27 below) require a Hull Construction Certificate and Outfit Compliance Certificate from the Fishing Vessel Certifying Authority (FVCA) (or if the build was finished before 21 July 2020, from Seafish) demonstrating compliance with the Construction and Outfit Standards set out in MGN628) or from a Recognised Organisation. The New Build Procedures are set out in MSIS27 Chapter 1 Annex 24 and in MGN628.

1.8.5 Newbuilds of 12m Registered Length to less than 15m LOA (and vessels built after 16 July 2007 being Registered for the first time – see also Notes 2 and 3 and section 1.8.24 to 1.8.27 below) require a Hull Construction Certificate and Outfit Compliance Certificate from the MCA (or if the build was finished before 21 July 2020, from Seafish) demonstrating compliance with the Construction and Outfit Standards set out in MGN628) or from a Recognised Organisation. The New Build Procedures are set out in MSIS27 Chapter 1 Annex 24 and in MGN628.

1.8.6 Newbuildings (and vessels built after 16 July 2007 being Registered for the first time – see also Note 3 below) need to be measured for registration. For under 15m fishing vessels, this is undertaken in accordance with Annex 3 to this chapter.

1.8.7 Owners of existing vessels built prior to 16 July 2007 will be required to prove their vessels are seaworthy. Until 31 December 2020, this can continue to be done through Surveyors authorised by the MCA, who will complete a Registration Survey. From 21 July 2020, new Registration Surveys can also be undertaken by Surveyors who are authorized by a FVCA. From 31 December 2020, only surveyors authorised by Fishing Vessel Certifying Authorities can take on new applications from owners to conduct this work. However work on vessels already underway with MCA authorised Surveyors may be completed by the MCA authorized Surveyor. This Survey will examine the vessel’s structure against the Certifying Authority standard for small fishing vessels (currently only the Seafish Construction and Outfit Standards for Fishing Vessels of less than 15m are approved for this purpose). The Consultant Surveyor will then examine...
the Registration Survey Comparison Report, and either allow registration, ask the owner to address areas of concern or refuse Registration. Registration will not be allowed to proceed until areas of concern have been addressed. MCA may require the FVCA Authorised Surveyor to confirm any additional work requested by the MCA has been carried out.

**Note 1:** Vessels which are built before 16 July 2007 and are undergoing a Registration Survey MUST NOT be inspected by the MCA until the Consultant Surveyor has accepted the Registration Survey Comparison Report and agreed that the vessel can be Registered, subject to any deficiencies being rectified and a successful inspection by MCA. A copy of the Registration Survey Comparison Report must be taken to the inspection by the MCA surveyor.

**Note 2:** If the owner can supply a FVCA, MCA or Seafish Construction Certificate for the vessel which was issued when the vessel was built and is less than 5 years old, then this is acceptable to the UK Registry and Registration can proceed subject to a satisfactory inspection of the vessel against the requirements of MSN 1871 (F) Amendment No.1. See Paragraphs 1.8.24 to 1.8.27 below.

**Note 3:** Vessels of less than 15m LOA previously on the UK Register but have been off the Register for six months or more shall be treated as vessels built prior to 16 July 2007, unless they can provide a valid FVCA, MCA or Seafish Construction Certificate (and Outfit Certificate if applicable). A report will be required to confirm that the vessel has not been modified since the Construction Certificate has been issued.

**Note 4:** Vessels may present themselves with Registration Survey Comparison Reports. Advice on the treatment of such vessels is at 1.8.20 to 1.8.32 below.

1.8.8 This survey, and any subsequent work required by MCA in which the FVCA Authorised Surveyor is involved, is chargeable at a rate decided by the FVCA Authorised Surveyor,

1.8.9 The MCA should not undertake any work on the vessel with regard to measurement or inspection until the MCA requirements have been met. A certificate of measurement **MSF 2301** is issued, see Annex 4 to this chapter

1.8.10 The FVCA Authorised Surveyor will require the owner to sign a declaration when applying for a Registration Survey, confirming that the vessel is presented to them in a completed state and that no changes or modifications shall be made after the Registration Survey without written authorisation from the MCA (with the exception of rectifying any identified deficiencies).

1.8.11 The FVCA Authorised Surveyor shall also include in their report the types of equipment that were and were not present for the type of fishing that the owner
intends to carry out. The FVCA Authorised Surveyor will use this information to decide if the vessel was presented in a state ready for survey or not.

1.8.12 The Registration Survey Comparison Report shall be reviewed by a Consultant Surveyor and, if satisfactory, a letter shall be issued to the owners advising them that the vessel will require inspection by the MCA in the complete condition and fitted out for its method of fishing. The MCA inspection will take place in the AFLOAT condition. If the vessel is presented to MCA in a state different from that seen by the FVCA Authorised Surveyor, MCA may require it to be re-surveyed by the FVCA Authorised Surveyor or MCA can continue with the inspection whilst paying particular attention to any changes. When completing the inspection the freeboard should be recorded and noted on MSF 1606 – Report of Inspection. When seeing the vessel afloat, a short trial should take place to confirm the machinery etc. is satisfactory.

1.8.13 All fishing vessels of 12 metres (L) to less than 15 metres (LOA) vessels built after the 23rd October 2017 shall be provided with approved stability information in accordance with MGN 281(F), appropriate for the vessels intended operation. Placement of the draught marks should be witnessed by the MCA. Vessels of 12 metres (L) to less than 15 metres (LOA) built before the entry into force of this Code are recommended to comply with these requirements.

1.8.14 The FVCA Authorised Surveyors when conducting Surveys on new builds or inspecting existing vessels wishing to join the Register, will include in their report relevant measurements for the placement of a Wolfson freeboard mark (the Wolfson Mark need not be marked on the vessel) and associated wave heights. The method is based on the vessel size and its residual stability characteristics in the situation of interest, and provides guidance on the level of safety from capsizing in various seastates. The method has been developed further for application to fishing vessels. Download the free Stability Notice and Freeboard calculator (Excel spreadsheet, 303KB) from http://www.wumtia.soton.ac.uk/services/vessel-safety. At the in water inspection, MCA shall assess these measurements against the observed freeboard as the vessel sits in the water. If the surveyor considers the freeboard to be insufficient, (below the green limit), then the letter accompanying the Certificate shall advise the owner the freeboard may be deficient and they should implement mitigating action. The letter should then refer the owner/skipper to MGNs 503 and 526 and instruct them to conduct a stability check as part of their risk assessment.

1.8.15 If the Certifying Authority reports received in the near future do not include the Wolfson information, then either a Consultant Surveyor will calculate it, or the Surveyor may calculate it themselves using a spreadsheet available from the Consultant Surveyor. Length overall and beam are the only figures required.

1.8.16 If a decked vessel does not have sufficient freeboard i.e. less than 300mm, then further assessment by THE APPROXIMATE ROLL METHOD as per MGN 503 can be applied, if the result is that the vessel is tender then the
offset load test (see Annex 2 of MSIS 27 Chapter 1 Annex 1) can be applied. Failure of all three is to be considered grounds for not issuing a satisfactory inspection report until mitigation action results in a pass.

1.8.17 If the MCA Surveyor feels that the vessel is not seaworthy, including concerns over construction or stability, a Small Fishing Vessel Certificate should not be issued until these aspects have been cleared by the surveyor. Any re-inspection of the vessel before a Certificate is issued shall attract fees.

11.8.18 Owners will be advised that it is their responsibility to ensure safe access for MCA surveyors as required. At the time of your inspections, if you feel the proposed access for an afloat inspection is not safe, you should request Owners to provide safe access (e.g. motor to a safe pier, provide steps etc). If this is not possible, then the inspection should not take place. Any subsequent visit should then be considered a re-inspection and attract fees.

Inspection procedures

1.8.19 **FVCA and MCA surveys of New** Builds and Registration Surveys are conducted out of the water. MCA Inspections of vessels new to the Register shall be conducted in the water. MCA procedures for these inspections are contained in Annex 1 to these Instructions and can be printed off as a stand alone guide for inspectors under the small FV Code. If the vessel is a New Build and is constructed outside the UK, then the Certifying Authority may also conduct the Inspection of the Vessel against MSN 1871(F) Amendment No.1. If the vessel is in the UK, only the MCA may conduct this Inspection.

1.8.20 Surveyors, when visiting vessels which have been accepted through the Registration Survey process, should review the vessel against the Comparison Report. If the Surveyor considers that the vessel is not as described in the Report, either due to its condition, through modifications undertaken after the Registration Survey but before the MCA Inspection, or for any other reason, the Surveyor should refer the issue to the Consultant Surveyor to consider whether to continue with the Inspection or refuse Certification and to require a new Registration Survey to be conducted.

1.8.21 The vessel should also be requested to carry out Drills in accordance with MSIS 27, Chapter 11 and MGN 570: Emergency Drills. Special emphasis should be placed on the conduct of Man Overboard Drills and their recovery in accordance with MSIS 27 Chapter 11 Sections 11.7, 11.11, 11.13 and 11.17. See also MGN 571 Prevention of Man Overboard.

**Inspection Requirements for Vessels transferring in from Red Ensign Group Registers.**

1.8.22 Vessels transferring in from Red Ensign Group Registers that adopt the same process as the UK for the Registration and Inspection of Small Fishing Vessels shall undergo the following procedure. If the Vessel has been
continuously on the REG Register and has been inspected at intervals of less than 5 years during its time on the REG Register against the relevant Code of Practice, the vessel shall be treated in the same manner as a Change of Ownership inspection as set out by MSN 1871 Amendment No.1. The Surveyor should also confirm with the REG Register that the vessel has not been altered or modified since it’s last inspection. If the surveyor is not satisfied that the vessel meets the standards expected in the Code or its hull, machinery or outfit are not of a required standard, either due to modification/alteration or deterioration, the vessel should be required to undergo the FVCA Registration Survey process.

1.8.23 If the vessel has not undergone inspections against the relevant Code of Practice in force in the REG Register at intervals of 5 years or less, or has been off the Register for a period of 6 months or more prior to seeking Registration in the UK, it shall be required to undergo the FVCA Registration Process.

**Periods of Validity for FVCA, MCA or Seafish Construction Certificates**

1.8.24 Vessels may present themselves for Registration where a period of time has elapsed between the Certificate of Construction being issued and its first inspection against MSN 1871 Amendment No.1 and Registration as a fishing vessel.

1.8.25 Vessels issued with a FVCA, MCA or Seafish Construction (and, if appropriate Outfit) Certificate can be inspected by MCA provided the Certificate is less than five years old. Where the MCA Inspection confirms compliance and that the vessel is unaltered and in substantially the same condition when it was first surveyed, the vessel should be accepted.

1.8.26 For a vessel issued with such a certificate when the certificate is less than 5 years old, but the MCA inspection identifies the vessel has been altered and where defects are sufficient to warrant it, a Registration Survey by the FVCA should be undertaken.

1.8.27 For a vessel issued with such a certificate when the certificate is more than five years old a Registration Survey is required in addition to the MCA inspection confirming continued compliance with Construction and Outfit Standards in MGN628 or MGN 629 as appropriate.

**Periods of Validity for FVCA (or MCA Authorised Surveyor) Registration Survey Reports**

1.8.28 Vessels may present themselves for Registration where a period of time has elapsed between the Registration Survey Comparison Report issued and the vessel requesting its first inspection against MSN 1871 Amendment No.1 and registration as a fishing vessel.

1.8.29 Where the Registration Survey Comparison Report is less than 12 months old and the vessel had no defects or the defects were recorded as
rectified, an inspection against MSN 1871 Amendment No1 should be arranged which should also look to check the vessel against the Registration Survey Comparison Report. If the vessel is as shown in the original report, it may be accepted. If the vessel is changed from the arrangement shown in the original report, and if the changes are relevant, for structural alterations (not specified as a repair in the first report – all vessels) and outfit alterations (not specified as a repair in the first report - >7m vessels), then a new Registration Survey Comparison Report should be requested.

1.8.30 Where the Registration Survey Comparison Report is less than 12 months old but the defects are not recorded as rectified, the owner shall confirm to the MCA that these have been completed prior to the MCA arranging an inspection. If the vessel is as shown in the original report, with only the changes required by the report being made, it may be accepted. If the vessel is changed from the arrangement shown in the original report, and if the changes are relevant, for structural alterations (not specified as a repair in the first report – all vessels) and outfit alterations (not specified as a repair in the first report - >7m vessels), or the Surveyor is not satisfied with the vessel’s condition, then a new Registration Survey Comparison Report should be requested.

1.8.31 Any vessel where the report is more than 12 months old, regardless of nature of defect and whether they have been rectified, should be requested to obtain a new Registration Survey Comparison Report.

Guardship duties.

1.8.32 A pre-requisite for ‘Loadline Exemption to undertake guardship duties’ (GSS) is that the vessel possesses a UKFV Certificate. As vessels under 15m do not possess a UKFVC, then any vessel in this size range would not be eligible for a GSS and would require a Workboat Code survey and certification to undertake guardship duties.

Issue of single Load Line Exemptions for Towing.

1.8.33 Vessels wishing to undertake towing operations, other than in an emergency, should comply with the requirements of Section 25, Section 11.7 and Section 17 of The Workboat Code Edition 2.


1.8.34 Vessels that can comply with this Code will be issued with a single Load Line Exemption to cover the period of the proposed towing operation. Once that towing operation is complete the Load Line Exemption cease to be valid. If the vessel wishes to engage in another towing operation, another Load Line Exemption must be sought.
1.8.35 If the vessel seeking to undertake the tow is unable to meet the requirements of the Workboat Code, then either an alternative towing vessel must be put forward for similar consideration or a commercial tow must be obtained.

1.8.36 In accordance with section 4.1.3 of the Workboat Code, open boats will not be considered for towing operations.

1.9 Survey of 15-24m Fishing Vessels

See MSIS 23 and MSIS 38 for Guidance on the Survey and Inspection process.

1.9.1 The surveys of 15 - 24m vessels are undertaken by MCA surveyors. Hull and machinery aspects may be delegated to a classification society, in which case a valid Certificate of Class should be attached to file.

1.9.2 If the vessel is not classed, MCA survey may include a 5 year schedule for examination of all hull and machinery items. Depending on the size of vessel, all items may be surveyed at renewal survey, or spread across the survey cycle. The owner should submit his survey schedule to the regional Consultant Fishing Vessel Surveyor for approval, but where guidance is required, examples of schedules may be utilised, as indicated in Annexes 10 and 11, and amended to meet the specific layout of the vessel.

1.9.3 The Owner/Skipper should be sent the relevant Aide Memoire contained at Annex 17 when arranging the date of inspection to allow them to prepare and the new “Fishing Vessel Surveys and Inspection – How to Prepare for your next MCA visit” (MCA037 2019 – Available from January 2020) when arranging the date of inspection to allow them to prepare. This booklet is available in hard copy or electronic and can be sent either by post or email. The electronic version contained links to other related Notices, guidance and advice.

1.9.4 The requirements for survey are contained in “The Code of Safe Working Practice for the Construction & Use of 15m LOA to Less than 24m RL Fishing Vessels”, MSN 1872 Amendment No.1.

1.9.5 Initial survey should begin with submission of plans for approval. A list of required plans for a newbuild is attached at Annex 6 and in MGN629. The New Build Procedures are set out in MSIS27 Chapter 1 Annex 24 and in MGN629.

1.9.6 At the general inspection undertaken at the final visit to verify other applicable regulations, e.g. manning levels, qualifications, and health and safety, are being complied with, the crew will need to be in attendance to demonstrate familiarity with equipment and undertake emergency drills. See MGN 570 Fishing Vessels: Emergency Drills and MSIS 27 Chapter 11. Special emphasis should be placed on the conduct of Man Overboard Drills and their recovery in accordance
with MSIS 27 Chapter 11 Sections 11.7, 11.11, 11.13 and 11.17. See also MGN 571 Prevention of Man Overboard.

1.9.7 At renewal survey and mid-term inspection, crew drills, shall be carried out at the same time as the survey. See MGN 570 Fishing Vessels: Emergency Drills and MSIS 27 Chapter 11. Special emphasis should be placed on the conduct of Man Overboard Drills and their recovery. See also MGN 571 – Prevention of Man Overboard

1.9.8 When a satisfactory survey has been completed, an electronic certificate is issued using PELORUS. The letter at Annex 5, which previously contained the Certificate, should still be sent, as it contains important reminders for the owner. For Newbuildings and flag-ins, a record of particulars MSF1301 should also be issued, in duplicate.

1.9.10 The Intermediate Inspection shall be carried out between the second and third anniversary of the Certificate issue date, if the vessel does not undergo an intermediate inspection in this time period, the certificate is rendered invalid and the vessel should be detained.

Guardship duties

1.9.11 A vessel in possession of a valid UKFVC may apply for guardship duties, in accordance with Annex 13. Vessels that operate in winter months (1 November to 30 April, as per Load Regulations for North Atlantic Winter Seasonal Zone II) shall have MCA approved stability covering the requirements as listed in MSN 1872 (F) Amendment No.1 Annex 3 for Half of the full icing allowance. This shall apply in winter to vessels which operate in all areas north of latitude 61ºN. between longitude 28ºW and the Norwegian Coast and south of the areas defined in MSN 1872 (F) Amendment No.1 Annex 3 14(i) as the lower limit for the full icing allowance between longitude 28ºW and the Norwegian Coast.

1.9.12 A vessel intending to operate as a Guardship must be provided with a set of stability conditions, which may be a supplementary booklet, covering depart port, mid trip and arrival port conditions for all envisaged circumstances of the trip. The book shall be reviewed to Form and Content standard by MCA prior to use as for guardship work and attached to the vessel’s existing stability book.

1.9.13 This involves a survey by an MCA surveyor which should be to the scope of a mid-term inspection with all conditions on the Load Line and drills carried out to ensure loadline aspects are satisfactory. An official log book is required to be kept, regardless of the length of the vessel.

1.9.14 It should be noted that a UKFVC valid for sea area A1 operation only, also limits the guardship duties to area A1 which is 30 miles from the UK coast.
1.9.15 A Restricted Operators Certificate (ROC) allows for GMDSS operation in sea area A1 only. A General Operators Certificate (GOC) is required to operate in sea area A2. Non-directive vessels may have short range and long range certificates, respectively in lieu of ROC/GOC.

1.9.16 A Guardship Loadline Exemption (GSS) certificate would be issued valid for one year. Subsequent duties would require resurvey.

1.9.17 The following wording should be added to the LLE. “The items concerning hull, watertight integrity, freeboard and stability, as detailed in chapters 2 and 3 of the MSN1872 Amendment No.1, have been inspected and found to be in satisfactory condition.”

Carriage of passengers

1.9.18 When Fishing Vessels are carrying passengers, such as film crew or research scientists etc, then either Annex 14 or 15 should be applied depending on whether the vessel is fishing commercially for profit whilst passengers are on board.

Issue of single Loadline Exemptions for Guardship and Carriage of Passengers.

1.9.19 A single Load Line Exemption may be issued to vessels which wish to operate as a Guardship and carry Passengers/Research Scientists. Details on the procedure can be found in Annexes 13 and 14.

Issue of single Load Line Exemptions for Towing.

1.9.20 Vessels wishing to undertake towing operations, other than in an emergency, should comply with the requirements of Section 25, Section 11.7 and Section 17 of the MSN 1892 The Workboat Code, Edition 2.


1.9.21 Vessels that can comply with this Code will be issued with a single Load Line Exemption to cover the period of the proposed towing operation. Once that towing operation is complete the Load Line Exemption cease to be valid. If the vessel wishes to engage in another towing operation, another Load Line Exemption must be sought.

1.9.22 If the vessel seeking to undertake the tow is unable to meet the requirements of the Workboat Code, then either an alternative towing vessel must be put forward for similar consideration or a commercial tow must be obtained.

1.9.23 In accordance with section 4.1.3 of the Workboat Code, open boats will not be considered for towing operation.

MSIS 27/CH 1/Rev 0620/Page 17 of 30
Extension of Certificates prior to decommissioning

1.9.24 MSN 1872 (F) Amendment No.1 allows the extension of UKFVCs for a maximum period of 2 months.

1.9.25 This extension may only be allowed subject to the following conditions

.1 The vessel is a 15-24m fishing vessel;

.2 The period is no more than 2 months;

.3 That a full safety G1 is completed if the vessel is to remain at sea beyond the original expiry date of the UKFVC;

4. That all LSA and Firefighting equipment remains in date

5. That MCA have been informed about the place that the vessel will be laid up for dismantling when decommissioned.

1.9.26 A copy of these conditions is to be given to the owner in writing and a copy including information about the location for decommissioning is presented to MCA with the owners signature to be placed on the vessel SharePoint file.

1.10 Survey of over 24m Fishing Vessels

See MSIS 23 and MSIS 38 for Guidance on the Survey and Inspection process.

1.10.1 Initial, annual, intermediate and renewal surveys of vessels over 24m RL for issuance of an International Fishing Vessel Certificate (IFVC) are the statutory responsibility of the MCA.

1.10.2 All new and newly registered fishing vessels are expected to comply with the Rules of a Class Society (section 1.2.5). Where a vessel is maintained to the rules of one of the RO’s then the hull and machinery surveys will be delegated to the relevant class society.

1.10.3 A Classification Society will conduct Annual hull and machinery surveys of its vessels. At Intermediate and Renewal Surveys it is expected that the Society will extend the scope of survey which will include a survey of the ship’s bottom, propulsion and steering.

1.10.4 On completion of every survey undertaken by the Society, the Declaration on Completion of Classification Society Surveys on a UK Flagged Fishing Vessel (MSF 1351) should be completed. The attending surveyor should confirm any omissions from the survey scope and defects that may have cause to invalidate the International Fishing Certificate.
1.10.5 Vessels must only be accepted for Registration if they are in Class. Failure to maintain classification with one of the RO's (Dropping out of class) will invalidate the IFVC. On notification of a vessel having class suspended or withdrawn, the vessel’s history is checked, issue date and validity of IFVC checked and if the IFVC is still current the owners are informed that the IFVC is no longer valid and they should be left in doubt that the vessel is no longer certificated and must be prevented from operating. (a reminder to owners is always included in the letter issuing the IFVC). RSS must be informed and requested to commence De-registration procedures

1.10.6 However, if the vessel is under survey, repairs or other valid reasons for the class being suspended or withdrawn this should be taken into account and due diligence paid to ensure an IFVC is not withdrawn inadvertently.

1.10.7 Close liaison should be maintained with the classification society and the owners to rectify the situation at the earliest opportunity and return the vessel to full class requirements.

1.10.8 The MCA will survey unclassed vessels. This will include a 4 year schedule for inspection of all hull & machinery items. An example schedule is at Annexes 10 and 11, which should be applied as relevant by the owner, and submitted to the Consultant Fishing Vessel Surveyor (PFVS) for approval. This schedule proposes that 25% of hull and machinery items are surveyed each year, equivalent to the standards of a recognised classification society, so that all items have been completed by the time of the renewal survey. This implies that numerous fee earning attendances by a MCA surveyor will be required. MSF 1346 should be completed at each survey by the Surveyor.

1.10.9 The Owner/Skipper should still be sent the relevant Aide Memoire contained at Annex 17 when arranging the date of inspection to allow them to prepare and the new “Fishing Vessel Surveys and Inspection – How to Prepare for your next MCA visit” (MCA037 2019 – Available from January 2020 when arranging the date of inspection to allow them to prepare. This booklet is available in hard copy or electronic and can be sent either by post or email. The electronic version contained links to other related Notices, guidance and advice.

1.10.10 The requirements for survey are contained in The Code of Practice for the Safe Construction and Operation of Fishing Vessels of 24m Registered Length and Over - MSN 1873 Amendment No.1.

1.10.11 Initial survey should begin with submission of plans for approval. A list of required plans for a newbuild is attached at Annex 6.

1.10.12 When the general inspection is undertaken at the final visit to verify other applicable regulations, e.g. manning levels, qualifications, pollution control, and health & safety, are being complied with, the crew will need to be in attendance to demonstrate familiarity with equipment and undertake emergency drills. See MGN 570 Fishing Vessels: Emergency Drills and MSIS 27 Chapter 11.
Special emphasis should be placed on the conduct of Man Overboard Drills and their recovery in accordance with MSIS 27 Chapter 11 Sections 11.7, 11.11, 11.13 and 11.17. See also MGN 571 Prevention of Man Overboard.

1.10.13 It is expected that an MCA surveyor will attend Intermediate and Renewal surveys of all fishing vessels to confirm Safety Equipment, Safety Management and Emergency Preparedness. It should be confirmed that the certificate of class remains valid through receipt of the Declaration on Completion of Classification Society Surveys on a UK Flagged Fishing Vessel (MSF 1351) from the attending Class surveyor (see 1.10.2 above). A general inspection, as above, should be carried out at the same time as the survey.

1.10.14 At renewal and intermediate surveys, Emergency drills in accordance with Chapter 11 of MSIS 27 shall be undertaken.

1.10.15 If a vessel, classed or unclassed fails to undergo an annual, intermediate or renewal survey in the time period determined by its certificate, the certificate is rendered invalid and the vessel should be detained When a satisfactory survey has been completed, an electronic certificate is issued using PELORUS. The letter at Annex 7, which previously contained the Certificate, should still be sent, as it contains important reminders for the owner, and an updated version of the record of particulars MSF 1301.

1.10.16 Paragraph 1.3.7.3 of the 24m and Over Code of Practice only allows the MCA to extend the certificate for 5 months. However, if a vessel is to be decommissioned, then the Certificate may be extended for a maximum of another 2 months may be allowed subject to the following conditions:

- MSN 1873 Amendment No.1 applies to that vessel;
- The period to be extended is no longer than an additional 2 months;
- That a full safety General Inspection is completed is the vessel is to remain at sea beyond the original expiry date of the IFVC and that all LSA and Fire Fighting equipment remains in date.
- That MCA have been informed about the place that the vessel will be laid up for dismantling when decommissioned.

1.10.17 A copy of these clauses is to be given to the owner in writing and a copy including information about the location for decommissioning is presented to us with his/her signature is to be placed upon the vessel SharePoint file.

1.10.18 Initial and renewal radio surveys are conducted by Authorised Persons. See Chapter 12 of these instructions.

Guardship duties
1.10.19 A vessel in possession of a valid IFVC may apply for guardship duties, in accordance with Annex 13.

1.10.20 This involves a survey by an MCA surveyor which should be to the scope of an intermediate survey with all conditions on the Load Line and drills carried out to ensure loadline aspects are satisfactory. An official log book is required to be kept, regardless of the length of the vessel.

1.10.21 A vessel intending to operate as a Guardship must be provided with a set of stability conditions, which may be a supplementary booklet, covering depart port, mid trip and arrival port conditions for all envisaged circumstances of the trip. The book shall be reviewed by MCA to Form and Content standard prior to use as for guardship work and attached to the vessel’s existing stability book.

1.10.22 It should be noted that a IFVC valid for sea area A1 operation only, also limits the guardship duties to area A1 which is 30 miles from the UK coast.

1.10.23 A Restricted Operators Certificate (ROC) allows for GMDSS operation in sea area A1 only. A General Operators Certificate (GOC) is required to operate in sea area A2. Non-directive vessels may have short range and long range certificates, respectively in lieu of ROC/GOC.

1.10.24 A Loadline Exemption certificate would be issued valid for one year. Subsequent duties would require resurvey.

1.10.25 The following wording should be added to the LLE. “The items concerning hull, watertight integrity, freeboard and stability, as detailed in chapters 2 and 3 of the MSN1873 Amendment No.1, have been inspected and found to be in satisfactory condition.”

1.10.26 This is the wording to be added to the surveyor’s remarks, along with details of: Expiry date of FV certification, number of observers (where appropriate) and additional LSA required (where appropriate). In either case there is also some indication of the area of operation.

Carriage of passengers

1.10.27 When Fishing Vessels are carrying passengers, such as film crew or research scientists etc, then either Annex 14 or 15 should be applied depending on whether the vessel is fishing commercially for profit whilst passengers are on board.

Issue of single Loadline Exemptions for Guardship and Carriage of Passengers.

1.10.28 A single Load Line Exemption may be issued to vessels which wish to operate as a Guardship and carry Passengers/Research Scientists. Details on the procedure can be found in Annexes 13 and 14.
Exemption for 24m Registered Length to 24.4m Reg Length Vessels built before 1 December 1999

1.10.29 Prior to 2002 vessels under 24.4m were subject to the Fishing Vessel (Safety Provisions) Rules 1975 and were issued with a UK Fishing Vessel Certificate. These vessels were not subject to Class requirements.

1.10.30 In 2002, when the 15-24m Fishing Vessels Code of Practice was introduced, various Rules and Regulations were amended so that requirements that were previously applicable to 24.4m were extended down to 24m.

1.10.31 The UK currently has 24 vessels which were built to regulations specific to fishing vessels of less than 80 feet (24.4m). Subsequently, EC Directive 1999/97 on a Harmonised Safety Regime for Fishing Vessels and the amending Directive 2002/35/EC applied the requirements of the IMO Torremolinos Protocol to vessels of 24m and over. All vessels over 24m are expected to have International Fishing Vessel Certificates in the form of that contained within the EC Directive. The vessels should also now be subject to Class requirements.

1.10.32 For these 24 vessels in question, they were therefore built to lesser requirements which were at the time contained within the following Regulations:

- The Fishing Vessels (Life Saving Appliances) Regulations 1988 – SI 1988 No. 38; and
- The Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975 - 1975 No. 2220

1.10.33 As a result of the amendments to the applicable lengths, they are not able to comply fully with the requirements that were laid down for vessels of 24.4m and over or Class Requirements. The MCA is unable to issue these vessels a UK Fishing Vessel Certificate as this would not be accepted for international operation because the vessels are over 24m. The vessels however do not meet the current standards required for the issue of an International Fishing Vessel Certificate as the requirements were changed after they were built and could therefore be detained by foreign port states.

1.10.34 These vessels are however fully compliant with the 15 – 24m Code of Practice, the pragmatic solution to this problem is to issue exemptions to the new regulations for these specific vessels only (Registered Length’s 24 – less than 24.4m), subject to the vessels complying with the 15-24m Code of Practice. This exemption can be being granted under Regulation 18(1) of the Fishing Vessels (Code of Practice) Regulations 2017.

1.10.35 As the EC Directive 97/70 for the Harmonised Safety Regime for Fishing Vessels requires that vessels of 24m and over must have an International Fishing Vessel Certificate, these vessels will still be issued with MSF 1318 the International Fishing Vessel Certificate for existing vessels. The wording to be...
used in sections 1 and 2 of the Certificate under “This is to Certify” are set out in Annex 19 Part B. The certificate must also be issued for a maximum of 4 years with the Intermediate Survey at a date not less than 21 months and not more that 27 months from the date the Certificate was issued. The vessel should still be issued with a Record of Equipment (MSF 1317).

1.10.36 The Vessel must comply with all other Regulations applicable to its length. In particular, the EC Directive 97/70 and the Torremolinos Protocol require that existing vessels of 24m and over (whose keels were laid before 1 December 1999) must comply with the requirements contained within Chapters VIII – Emergency Procedures, Musters and Drills and Chapter X – Shipborne Navigational Equipment and Arrangements. These requirements must take precedence over the requirement of the MSN 1872 Amendment No.1 and therefore these vessels have not been exempted from MSN 1873 Amendment No.1, which contain those requirements.

1.10.37 International Fishing Vessel Certificates should be issued under cover of the Standard letter contained at Annex 19 Part A.

### 1.11 Risk Assessments

1.11.1 All fishing vessels are required to have undertaken risk assessments. There must be a written risk assessment regarding the risk of going overboard. Seafish produce a free “Fishing Vessel Safety Folder” [https://www.seafish.org/media/1404347/safety_management_folder__june_2015__v3_.pdf](https://www.seafish.org/media/1404347/safety_management_folder__june_2015__v3_.pdf) and there is also a free online safety folder [http://www.safetyfolder.co.uk/](http://www.safetyfolder.co.uk/) which can be utilised by fishing owners, skippers and crew to prepare a risk assessment for their particular boat. Further details are contained in MGN 587.

1.11.2 Where an unsafe situation occurs which is not specifically covered in Regulations, enforcement can be applied by application of the Health & Safety at Work Regulations 1997, which make failure to carry out the duties imposed on owners, masters or crew an offence, and allow for detention of the ship.

1.11.3 Having established that a risk assessment exists and that it has been reviewed, surveyors shall specifically check that the assessment has been kept up to date and contains adequate information to inform of the hazard associated with the risk, and that the review refers to the latest guidance published by the MCA in the following areas.

1.11.3.1 Enclosed space entry, MGN 309.

Enclosed space means a space which has any of the following characteristics (ref. IMO A 27/Res.1050):

.1 limited openings for entry and exit;
.2 inadequate ventilation; (especially in tanks which may have been empty for a period of time) and 
.3 is not designed for continuous worker occupancy,

1.11.3.2 Working at height, MGN 410.

The provisions of the Work at Height Regulations 2010 apply to all work carried out “at height” where a person could fall a distance liable to result in an injury to them. For this reason, the “2 metre rule”, previously utilised for land based workers, and informally applied to maritime workers, no longer applies. These Regulations apply irrespective of whether work is being carried out at 2 metres or above, or below 2 metres.

It should be noted that “work at height” does not only encompass working from a ladder or on scaffolding but may also include:-

• working alongside an open hatch or other opening in a ship’s structure;
• working in close proximity to, or supported from, a ship’s side;
• working in or entering or exiting deep tanks, such as ballast tanks and refrigerated sea water tanks;

1.11.3.3. Prevention of Man Overboard, MGN 571. This Note provides guidance on how to prevent Man Overboard situations from occurring. There must be a written risk assessment setting out how the risk of going overboard is being addressed. The aim should always be to remove the risk of going overboard. However, where this is not possible, MSN1871 Amendment No.1, MSN1872 Amendment No.1 and MSN 1873 Amendment No.1 require a Personal Floatation Device or lifeline is worn. MGN 571 provides additional guidance on the wearing of Personal Flotation Devices and safety lines. See also MSIS 27 Chapter 11 Sections 11.7, 11.11, 11.13 and 11.17.

1.11.3.4 Safe Means of Access to Fishing and Small Vessels in Ports; MGN 591 (M&F) reminds vessel owners, skippers, and others of the need to ensure that a safe means of access is provided to fishing vessels and small vessels.

1.11.3.5 As evidence of the adoption of a good safety culture, The Human Element and a good safety culture, MGN 520 and MGN 596 – Fishing Safety Management Code.

1.12 Survey & Inspection Reports

1.12.1 The Procedures in MSIS 23 and MSIS 38 should be followed. Where inspections on under 15m vessels are carried out by inspectors, then form reporting should be through Pelorus Online Reporting System, an evaluation / inspection report and certificate.
1.12.2 A photograph should be taken at each survey or inspection as a record so that modifications can be detected. Inspectors reporting defects to a Marine Office will assist the surveyor in taking action if relevant photographs are forwarded with the report.

1.13 Survey of Flag-in vessels

1.13.1 Vessels flagging-in to UK register should be of a good standard to maintain the quality of the flag. Usually this means, as a prerequisite, they will be classed with one of the UK’s recognised societies. All applications for flag in must be submitted to the flag-in panel, who will consider the application. Further details concerning flag-in panel are attached at Annex 08 of this chapter.

1.13.2 A vessel applying for flag-in should have initial information sent out to the applicant, as indicated at Annex 9 of this chapter.

1.13.3 Flag-in vessels should be treated as new vessels as far as is reasonable and practicable. This means any equipment should be to the same standard as a new vessel, but no major modifications to structure should be required as long as equivalence to current standards is maintained. Any modifications made would be in accordance with current requirements.

1.13.4 If an unclassed vessel is accepted onto the flag, a schedule for hull and machinery surveys would be required. An example schedule is attached Annex 10 and 11 of this chapter. Due regard should be paid to previous maintenance records and authentic evidence of previous surveys, with a minimum of 25% of machinery items having MCA survey at flag-in with MCA survey of hull similar in extent to a class special survey required.

1.14 Registration

1.14.1 Fishing Vessels must apply to RSS Cardiff for registration in Part II of the register, in accordance with Part II of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Fishing Vessels) Regulations (SI 1988 No 1926).

1.14.2 One of the conditions for registration is that the vessel is measured in accordance with Annex 3 to this Chapter. For over 15m vessels an International Tonnage Certificate (ITC 69) is required – See MSIS27 Annex 3

1.14.3 Also, RSS may refuse registration if the vessel is > 15m and does not possess a valid FV certificate. In practice, a new building may require the surveyor to send a draft short term FV certificate to RSS prior to delivery, with the surveyor’s assurance that the vessel will not be issued with said certificate or allowed to sail until the vessel is in a satisfactory condition to do so. To this end the surveyor should establish early contact with RSS so that name and numbers can be provisionally issued, Carving & Marking procedures followed, and a FV certificate prepared. A fishing vessel will always be allocated both a port number
and a RSS official number. Similarly vessels < 15m will need to provide evidence of satisfactory inspection.

1.14.4 From a practical perspective having the name and port of registry on the stern of a stern trawler is considered to be unreasonable since the gear is worked over the stern and the stern is often arranged with a cut out to facilitate the launch and recovery of heavy nets and other gear.

1.14.5 For such vessels, the “outside the stern of the boat” permits the name and port of register to be marked on both the after quarters adjacent to the PLN.

1.14.6 Where a vessels FV certificate has expired, RSS may serve a notice giving 30 days before termination of registration. Fishing for profit whilst unregistered is an offence.

1.15 Access for survey

1.15.1 For a full and worthwhile survey satisfactory access is required both externally and internally. If the surveyor is unable to gain full access then the survey may be deemed incomplete and certificate issue delayed. The following is a list of items that should be done in advance of the survey. The booklet “It pays to be prepared for your next fishing vessel survey” also sets these out and is sent to each owner with their survey reminder letters.

External:

• The hull should be washed down and all growth removed, but no painting should have commenced;
• Safe access should be provided to enable the surveyor to check all seams, butts and planking on wooden boats, and welds, indentations and pitting on steel hulls, and blistering or damage to GRP hulls. This can be full scaffolding, or mobile tower scaffolding, or a “cherry picker / manlift”;
• Steel vessels – ultra sound hull scantling thickness tests;
• Draught marks checked (This would also be required for a specialist to satisfactorily take ultrasonic hull thickness readings, and for satisfactory inspection of rudder, bowthrust, and tailshaft; also for checking of draught marks);
• Anchor chain to be ranged in dock bottom for survey. This allows internal inspection of chain locker and testing of bilge pumping;
• Safe access should be provided to board the vessel. An unsecured wooden ladder is not acceptable;
• All open hatches on main deck and tween decks should have the portable stanchions and rails in place; and
• Wooden vessels have a shipwright available at survey time.
Access is required to fully examine the hull and framing internally:

- Forepeak and stores should be cleared of all spare gear, etc;
- Fishroom to have boxes removed and bilge well and tank tops steam-cleaned for examination;
- Where a fishroom is lined then a lower section should be opened out for survey (for vessels 10 years old and upwards or when requested by the surveyor);
- Engine room to have bilges steam-cleaned if necessary and all floor plates ready for removal to allow inspection of structure and pipe work systems;
- Shell valves, both inlet and overboard should be dismantled for the survey, with access or staging provided where necessary;
- Accommodation – All door keys to be available. Where possible there should be access to the spaces behind the linings for inspection;
- All structural tanks due survey should be emptied and gas freed, with certificates posted, prior to entry;
- Record propeller shaft clearances by lifting the shaft and using a clock gauge or feeler gauges;
- Check condition of the propeller hub and blades and operation if it is a controlled pitch propeller;
- Record rudder pintel bearing clearances; and

1.16 Enforcement

1.16.1 Requirements for the hull, machinery and equipment of fishing vessels

1.16.1.2 Section 5 of the Fishing Vessels (Codes of Practice) Regulations 2017 says that a United Kingdom fishing vessel must not proceed on a voyage unless—

(a) a Certifying Authority has issued a certificate of compliance in respect of that vessel;
(b) that certificate of compliance is valid at the time of the voyage; and
(c) the vessel continues to comply with the applicable Code of Practice.

1.16.1.3 If these are not complied with by both the owner and skipper of the fishing vessel they may be liable on conviction to a fine and on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.
Movement to another port whilst not complying with the relevant Code of Practice

1.16.2 A fishing vessel which does not meet the requirements to be issued with a fishing vessel certificate but wishes to move to another port without undertaking any fishing operations in order to complete surveys may, if the surveyor agrees it is otherwise safe to go to sea, be allowed a single voyage to a designated port. This would be conditional on the terms stipulated on a Loadline Exemption Certificate, issued by the local Consultant Surveyor.

1.16.3 Requirement of owner or master to notify alterations to vessels

1.16.3.1 Section 7 of the Fishing Vessels (Codes of Practice) Regulations provides that in respect of any vessel to which a certificate has been issued the owner or skipper shall give notice to the MCA at the earliest opportunity of any alteration or modification:

i) to the vessel's hull, equipment or machinery which affects the efficiency or the seaworthiness of the vessel; or

ii) affecting the efficiency or completeness of the appliances or equipment which the vessel is required to carry by the Regulations

1.16.3 There is no longer a fine for failure to comply with this requirement but a vessel may be detained in accordance with Regulation 12 of the Fishing Vessels (Code of Practice) Regulations

1.16.4 Posting up of a certificate

A Fishing Vessel Certificate issued to a vessel shall be posted up in some conspicuous place on board the vessel, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force and the vessel is in use. There is no longer a fine for this.

1.16.5 Delivery up of a certificate

Section 9 of the Fishing Vessel (Codes of Practice) Regulations provides that the MCA may require a Fishing Vessel Certificate, which has expired or been cancelled, to be delivered up as directed. If the owner or skipper fails without reasonable excuse to comply with a requirement made under this section he shall be liable to a fine. Expiry or cancellation should automatically be enforced by detention.

1.16.6 Forgery of a certificate

Any person who intentionally makes a false or fraudulent fishing vessel certificate shall now be dealt with under the relevant legislation covering Fraud in the UK.
1.16.7 Detention of vessels

1.16.7.1 Under Section 9 of the Fishing Vessels (Codes of Practice) Regulations, a fishing vessel to which the Regulations apply may be detained from proceeding to sea unless an appropriate Fishing Vessel Certificate is in force and is produced on demand to any officer of Customs or of the Department for Transport. The certificate may be cancelled if the regulations are breached. The vessel may also be detained by a surveyor under Section 95 of the Act if it is unsafe; notwithstanding that it holds a Fishing Vessel Certificate. This also applies to foreign fishing vessels in UK ports, which are subject to Port State Control in accordance with Article 4 of the Torremolinos Protocol.

1.16.7.2 Detention procedures are contained in MSIS 38 – Part C, Chapter 3 – “Inspection Policy”

1.16.7.3 Detentions shall be notified to the Technical Managers, copied to the Consultant Surveyors. Technical Managers will forward details of the detention to the MMO INTEL@marinemanagement.org.uk

1.16.7.4 When a vessel is released from detention, the MMO should similarly be informed.

1.16.8 Prohibition & Improvement Notices

1.16.8.1. These are issued by MCA surveyors, in accordance with MSIS 38 Part C, Chapter 2 – “Inspection Policy”. An Improvement Notice may be issued when there is a breach of any of the statutory provisions. It is aimed at preventing possible accidents, injury or pollution by getting something put right rather than punishment through prosecution. The person on whom the notice is served is legally responsible for remedying the contravention and it should therefore be served on the person who has that responsibility. A Prohibition Notice may be served if the inspector/surveyor is of the opinion that the activity as carried out or is likely to be carried out will involve serious personal injury to any person (whether on board the ship or not) or serious pollution of any navigable waters. A Prohibition Notice may be served on a person who is in control of an activity carried out on board the vessel.

1.16.9 Prosecution

In all cases reference should be made to the relevant section of the Act, or regulations, before any action is taken against prosecuting an owner or master. HQ Enforcement Branch should be consulted where it is proposed that proceedings should be instituted, and then any further action would be undertaken by the Enforcement Branch. The Enforcement Manual (CG3 Vol 9) contains more information on prosecutions.
1.17 Files

1.17.1 All renewal surveys are to be reported on the vessel SharePoint file utilizing the relevant folders. A current photograph of the vessel should be included.

1.17.2 To reduce the contents of the files building up to an unmanageable size, the document at Annex 12, should be attached to the file and endorsed by the surveyor for documents sighted but not required to be retained.

1.17.3 Stability work is reported in the SharePoint stability file. All new stability work is sent to the Stability Unit for approval. Existing approval work and provisional approvals may be considered locally. MSIS 09 / Issue 2 Rev 09.19, Table 1: Allocation of Responsibilities

1.17.4 The vessel SharePoint filing system for fishing vessels has categories for machinery, safety equipment, and ILO 188, which can all be utilized for newbuilds and extended information.

1.17.5 IOPP surveys are reported in the MARPOL vessel SharePoint file, which should include a copy of the IOPP certificate, copies of approval certificates for the oily water separator and monitor, SOPEP and relevant drawings. Classed vessel automatically have the annual and renewal IOPP surveys conducted by their surveyors. Unclassed vessels will have these surveys undertaken by the MCA.

1.17.6 The appropriate MSF forms to be utilised are listed at Annex 16.