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## **COMPULSORY INSURANCE FOR SHIPS RECEIVING TRANS-SHIPPED FISH**

*Notice to Shipowners, Agents, Charterers and Masters*

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### *Summary*

The Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998 (which come into force on 6 April 1998) make insurance, or another form of financial security, compulsory for ships in respect of which a trans-shipment licence issued under section 4A of the Sea Fish (Conservation) Act 1967 is in force.

This notice:

- specifies the forms of insurance and security satisfying the requirement of the Regulations;
- specifies the format of documentary evidence of compliance with the Regulations which must be carried on board the ship; and
- provides information on the enforcement of the Regulations.

### **Interpretation**

1. This Merchant Shipping Notice should be read in conjunction with the Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998. Any reference in this notice to a numbered regulation is a reference to the regulation of those Regulations which is so numbered.

### **Acceptable forms of insurance/security**

2. The contracts of insurance or other security satisfying regulation 6 are:
  - (a) contracts of entry with a member of the International Group of Protection and Indemnity (P&I) Clubs;
  - (b) contracts with any other insurer authorised to provide insurance in accordance with the law of a State which is a Contracting Party to the Agreement on the European Economic Area; and

- (c) the guarantee of a bank, or similar financial institution, authorised to carry out banking activities in accordance with the law of a State which is a Contracting Party to the Agreement on the European Economic Area.

3. A contract of insurance or other security shall not satisfy regulation 6 if the amount of compensation available to meet the liabilities referred to in regulation 5 may be restricted by any monetary limits other than those arising from the application of the limits of liability referred to in regulation 4(3).

### **Format of documentary evidence of compliance with the Regulations**

4. The documentary evidence of compliance with the Regulations required by regulation 7(1) shall be in English, or include a translation into English, and shall contain the following particulars:

- (a) name of the ship, distinctive number or letters and port of registry;

- (b) name and principal place of business of the shipowner;
- (c) IMO ship identification number (where appropriate);
- (d) type and duration of security;
- (e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and
- (f) period of validity of the insurance or other security.

**Enforcement**

- 5. In addition to checks under regulation 7(2) to confirm that documentary evidence of

compliance with the Regulations is carried on board the ship, follow-up checks will be undertaken to confirm the validity of this documentary evidence. In the event that such evidence is found to be invalid, or if a contract of insurance or other security does not in fact exist, the ship may be detained under regulation 9 and prosecution considered under regulation 8.

- 6. Where a ship is found to have contravened the Regulations, the Secretary of State may serve a prohibition notice on the ship under section 100G of the Merchant Shipping Act 1995. Such a notice would prohibit the ship from receiving and/or processing fish. Non-compliance with such a notice would be a criminal offence, punishable by a fine and/or by imprisonment.

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 February 1998

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[ISPB 14/3/2]

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