

2016 No. XXXX

MERCHANT SHIPPING

SAFETY

The Fishing Vessels (Codes of Practice) Regulations 2016

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

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SCHEDULE — Statutory Instruments Revoked

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the safety of ships and the health and safety of persons on them(b) and in relation to measures relating to maritime transport(c).

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 85(1), (3), (5) to (7) and section 86(1) and (2) of the Merchant Shipping Act 1995(d) and by section 2(2) of the European Communities Act 1972.

In accordance with section 86(4) of the Merchant Shipping Act 1995 the Secretary of State has consulted the persons referred to in that section..

PART 1
General matters

Citation, Commencement and Expiry

1.—(1) These Regulations may be cited as the Fishing Vessels (Codes of Practice) Regulations 2015 and come into force on [6th April 2016].

(2) They cease to have effect at the end of the period of seven years beginning with the day on which these Regulations come into force.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

(a) 1972 c. 68. Section was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part I of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 1993/595.

(c) S.I. 1994/757.

(d) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and Schedule 7. There are other amendments which are not relevant to this instrument.

“categorised waters” means waters categorised as Category A, B, C or D in Merchant Shipping Notice 1837(a);

“certificate of compliance” means a certificate issued by the a certifying Authority in accordance with regulation 4;

“Certifying Authority” means the Secretary of State or such person as may be specified from time to time in a Merchant Shipping Notice as a Certifying Authority;

“detaining officer” means a person mentioned in section 284(1) of the Act as having the power to detain a ship(b);

“fishing safety Directives” means—

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)(c);

Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over(d); and

Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477 EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation(e);

“flag State”, in relation to a non-United Kingdom fishing vessel, means the State whose flag the vessel is entitled to fly;

“large fishing vessel” means a fishing vessel of at least 24 metres overall registered length ;

“length overall” means the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure,

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“medium fishing vessel” means a fishing vessel of at least 15 metres length overall , but less than 24 metres registered length;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, and any reference to any particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time(f);

“non-United Kingdom fishing vessel” means a fishing vessel which is not registered in the United Kingdom;

“owner” means the registered owner of a vessel, unless that vessel has been—

(a) chartered by demise, or

(b) is managed, either wholly or in part, by a person other than the registered owner under the terms of a management agreement,

in which case the owner means the demise charterer or other person managing the vessel as the case may be;

“registered length” means the measurement which—

(a) is recorded as the registered length in the vessel’s certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993(g), in the case of a United Kingdom fishing vessel,

(a) See www.gov.uk/government/publications/msn-1837-categorisation-of-waters.

(b) Section 284(1)(b) was substituted by the Merchant Shipping and Maritime Security Act 1997, Schedule 1, paragraph 5(2).

(c) OJ L307, 13.12.1993 p. 0001-0017.

(d) OJ L034, 09.02.1998 p.0001-0029.

(e) OJ L165/21, 27.6.2007.

(f) Merchant Shipping Notices can be accessed at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>.

(g) S.I. 1993/3138, to which there are amendments not relevant to these Regulations.

- (b) is recorded as the registered length in any equivalent certificate issued in the case of a vessel registered outside the United Kingdom, or
- (c) would be recorded as the registered length if the vessel were a United Kingdom fishing vessel, in the case of an unregistered vessel;

“small fishing vessel” means a fishing vessel which is not a medium or large fishing vessel;

“Torremolinos Protocol” means the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977(a); and

“United Kingdom fishing vessel” means a fishing vessel which is registered in the United Kingdom.

(2) For the purposes of these Regulations the “applicable Code of Practice” is —

- (a) in the case of a medium fishing vessel which operates outside categorised waters is the “Code of Safe Working Practice for the Construction and Use of 15 metre (LOA) to less than 24 metre (L) Fishing Vessels”, incorporated in Merchant Shipping Notice MSN 1770(F),
- (b) in the case of a large fishing vessel which operates outside categorised waters is the “Code of Practice for the Construction and Safe Operation of Fishing Vessels of 24 metres Registered Length and Over”, incorporated in Merchant Shipping Notice xxx, and
- (c) in the case of any fishing vessel which operates only within categorised waters is the “Fishing Vessels Code of Practice for the Safety of Small Fishing Vessels” incorporated in Merchant Shipping Notice MSN xxx.

Application

3.—(1) These Regulations (except regulations 13 and 14) apply to United Kingdom fishing vessels.

(2) Regulations 13 and 14 apply to non-United Kingdom fishing vessels, with the exception of small fishing vessels, while in United Kingdom waters.

PART 2

All Fishing Vessels

Certificate of compliance

4.—(1) Subject to paragraph (3), a Certifying Authority must issue a certificate of compliance in respect of a United Kingdom fishing vessel in the following circumstances—

- (a) a surveyor of ships, following a survey (in the case of a large or medium fishing vessel) or inspection (in the case of a small fishing vessel) as set out in the relevant Merchant Shipping Notice, is satisfied that the vessel complies with the applicable Code of Practice; or
- (b) an exemption granted by the Secretary of State under regulation 18 applies to the vessel, and a surveyor of ships, having carried out a survey as set out in the relevant Merchant Shipping Notice is satisfied that the vessel complies with—
 - (i) the applicable Code of Practice, other than to the extent of that exemption; and
 - (ii) any conditions and limitations subject to which the exemption has been granted; and
- (c) in either case, that any fees prescribed in Regulations made under section 302 of the Act have been paid.

(2) A certificate of compliance must—

(a) The Torremolinos Protocol and the Convention may be obtained from the International Maritime Organization at www.imo.org/en.

- (a) have a period of validity not exceeding that set out in the relevant Merchant Shipping Notice,
- (b) in the case of a large fishing vessel, be supplemented by a record of equipment, and
- (c) be in the format set out in the relevant Merchant Shipping Notice.

(3) A Certifying Authority other than the Secretary of State may only issue a certificate of compliance in respect of small and medium sized fishing vessels.

(4) In this regulation, “record of equipment” means a document containing the information required by Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over^(a) and by the Torremolinos Protocol.

Prohibition on proceeding on any voyage without a certificate

5. -(1) Subject to paragraph (2), 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, and
- (b) that certificate of compliance is valid at the time of the voyage.

(2) Where the certificate of compliance issued in respect of a fishing vessel has been suspended under regulation 6(b) or 7(2), paragraph (1) does not prohibit that vessel from returning to port.

(3) Contravention of paragraph (1) is an offence by both the owner and skipper of the fishing vessel.

(4) A person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine, and
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.

(5) It is a defence for a person charged under paragraph (3) to show that all reasonable precautions to avoid committing the offence were taken.

Collision, grounding, fire or flood

6. Where the fishing vessel has been involved in a collision, grounding, fire or flood—

- (a) the skipper must inform the Certifying Authority which issued the certificate of compliance in respect of that vessel about the incident as soon as reasonably practicable, and
- (b) the certificate of compliance in respect of that vessel is suspended forthwith.

Obligation to notify of proposed changes to vessel

7.—(1) The owner of a fishing vessel must inform the Certifying Authority as soon as reasonably practicable of the details of any proposal to alter, modify or repair the structure of that vessel.

(2) A Certifying Authority may, by giving notice in writing to the owner of a fishing vessel, suspend a certificate of compliance issued in respect of that vessel where the vessel has been altered, modified or repaired without notification in advance to it.

Suspended certificates

8. Where the certificate of compliance issued in respect of a fishing vessel has been suspended, a Certifying Authority may lift the suspension in the following circumstances—

(a) OJ L034, 09.02.1998 p.0001-0029..

- (a) a surveyor of ships is satisfied, following a survey of the fishing vessel (or, in the case of a small fishing vessel, an inspection) as set out in the relevant Merchant Shipping Notice, that the vessel complies with the applicable Code of Practice, or
- (b) the Secretary of State decides that a survey of inspection is not necessary in the circumstances (in which case that decision must be endorsed in writing on the certificate) by the surveyor.

Cancellation of certificates of compliance etc.

9.—(1) A Certifying Authority may, by giving notice in writing to the owner of a fishing vessel, cancel a certificate of compliance issued in respect of vessel where it has reason to believe that that certificate—

- (a) was issued on the basis of false or erroneous information,
- (b) has been intentionally altered (other than by or on the instructions of the Certifying Authority), or
- (c) has been used by, loaned to, or allowed to be used by a person to whom the certificate was not issued.

(2) A Certifying Authority may by notice in writing require that a certificate of compliance which—

- (a) has expired,
- (b) has ceased to be valid because the vessel no longer complies with the applicable Code of Practice, or
- (c) has been cancelled,

be surrendered as directed in the notice.

(3) If the owner or skipper of a fishing vessel fails without reasonable cause to surrender a certificate of compliance pursuant to a notice issued under paragraph (2), that owner or skipper is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Production of certificate

10.—(1) The skipper of any medium or large fishing vessel must on demand produce to an officer of Her Majesty’s Revenue and Customs, relevant inspector or sea-fishery officer the certificate of compliance issued in respect of that vessel.

(2) Where a demand is made under paragraph (1) the fishing vessel is liable to be detained until the certificate of compliance is produced.

(3) If the owner or skipper of a fishing vessel fails without reasonable excuse to comply with a demand made under paragraph (1) that owner or skipper is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) In paragraph (1)—

- (a) “relevant inspector” means a person mentioned in paragraph (a), (b) or (c) of section 258(1) of the Act^(a); and
- (b) “sea-fishery officer” means a person mentioned in section 7(1) of the Sea Fisheries Act 1968^(b).

(a) Section 258(1) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1 paragraph 4(1) and (2) and Schedule 7 Part 1.

(b) 1968 c. 77: section 7(1) was amended by the Fisheries Act 1981 (c. 29), sections 26(1)) and Schedule 5, Part II, and by the Marine and Coastal Access Act 2009 (c. 23), sections 239(1) and (2) and Schedule 22, Part 6.

PART 3

Small Fishing Vessels

Power to request that small fishing vessels report for inspection

11.—(1) — The Secretary of State may, by giving to the owner of a fishing vessel not less than 28 days' written notice of a date, time and place, require that owner to present that vessel on that date and at that time and place for the purposes of an inspection to ascertain whether the vessel complies with the applicable Code of Practice.

(2) The owner of a fishing vessel who fails without reasonable excuse to present that vessel for inspection on the date and at the time and place specified in a notice given under paragraph (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

PART 4

Inspection and Detention

Detention of a United Kingdom fishing vessel

12.—(1) Where a surveyor of ships is satisfied that there is or has been a failure by an owner or skipper to comply in relation to any United Kingdom fishing vessel with the preceding requirements of these Regulations, that vessel is liable to be detained until a surveyor of ships is satisfied that those requirements are complied with.

(2) A detaining officer may permit a fishing vessel which is liable to be detained under paragraph (1) to proceed to sea in order to travel to the nearest appropriate repair yard.

(3) A fishing vessel must not be detained unreasonably under this regulation.

(4) Where a fishing vessel is detained because of a failure to comply with the requirements of these Regulations, and that failure has ceased, a detaining officer must, at the request of the owner or skipper, immediately release the vessel—

- (a) if no proceedings for an offence arising from the failure in question are instituted within the period of seven days beginning with the day on which the vessel is detained;
- (b) if proceedings for an offence arising from the failure in question, having been instituted within that period, are concluded without the owner or skipper being convicted;
- (c) if either—
 - (i) the sum of £30,000 is paid to the Secretary of State by way of security, or
 - (ii) security which, in the opinion of the Secretary of State, is satisfactory and is for an amount not less than £30,000 is given to the Secretary of Stateby or on behalf of the owner or skipper;
- (d) where the owner or skipper is convicted of an offence arising from the failure in question, if any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid, or
- (e) if the release is ordered by a court or tribunal referred to in article 292 of the United Nations Convention on the Law of the Sea 1982^(a), and any bond or other financial security ordered by such court or tribunal is posted.

(5) The Secretary of State must repay any sum paid in pursuance of paragraph 4(c) or release any security so given—

(a) Cmnd. 8941.

- (a) if no proceedings for an offence arising from the failure in question are instituted within the period of seven days beginning with the day on which the sum is paid; or
- (b) if proceedings for an offence arising from the failure in question, having been instituted within that period, are concluded without the owner or skipper being convicted.

(6) Where a sum has been paid, or security has been given, by any person in pursuance of paragraph (4)(c) and the owner or skipper is convicted of any offence arising from the failure in question, the sum so paid or the amount made available under the security must be applied as follows—

- (a) first in payment of any costs or expenses ordered by the court to be paid by the owner or skipper; and
- (b) next in payment of any fine imposed by the court,

and any balance must be repaid to the person who has made the payment or given the security, as the case may be.

(7) Section 145 of the Act (interpretation of section 144) applies for the purposes of paragraph (4) to (6) as if—

- (a) reference to the owner or master of the ship were reference to the owner or skipper; and
- (b) references to an offence under section 131 were references to an offence arising from the failure in question.

Certification of non-United Kingdom fishing vessels

13.—(1) A non-United Kingdom fishing vessel must on entering United Kingdom waters—

- (a) if its registered length is 24 metres or over, be certified by its flag State as complying with the requirements of the Torremolinos Protocol; or
- (b) if its registered length is less than 24 metres, be certified by its flag State as complying with the requirements of that State applying to vessels of that length;

and continue to so comply while in United Kingdom waters.

(2) In paragraph (1)(a) and (b), “certified” includes any form of documentation issued by the flag State recording that the vessel has been surveyed or inspected and found to be in compliance with the State’s safety requirements applicable to vessels of its length and which is valid throughout the time the vessel is in United Kingdom waters.

Inspection of non-United Kingdom fishing vessels

14.—(1) When a non-United Kingdom fishing vessel is in United Kingdom waters, a surveyor of ships may inspect that vessel to ascertain whether the standards required in relation to United Kingdom fishing vessels by these Regulations are met in relation to that vessel.

(2) Where a surveyor of ships is satisfied that the standards required in relation to United Kingdom fishing vessels by these Regulations are not met in relation to a non-United Kingdom fishing vessel in United Kingdom waters, that surveyor of ships may—

- (a) send a report to the government of its flag State and a copy thereof to the Director General of the International Labour Office; and
- (b) where conditions on board are, in the opinion of the surveyor of ships, hazardous to health or safety, require such measures as are necessary to be taken to ensure those conditions are rectified.

(3) A fishing vessel to which paragraph (2)(b) applies is liable to be detained until a surveyor of ships is satisfied that those conditions are rectified.

(4) A surveyor of ships may permit a fishing vessel which is liable to be detained under paragraph (3) to proceed to sea in order to travel to the nearest appropriate repair yard.

(5) If any of the measures specified in paragraph (2)(b) or (3) are taken, the surveyor of ships shall immediately notify the nearest maritime, consular or diplomatic representative of the vessel's flag State.

(6) A fishing vessel must not be detained unreasonably under this regulation.

Enforcement of detention

15.—(1) Section 284 of the Act applies where a fishing vessel is liable to be detained under these Regulations as if—

- (a) references to detention of a ship under the Act were references to detention of the fishing vessel in question under these Regulations, and
- (b) subsection (7) were omitted.

(2) Where a fishing vessel is liable to be detained by virtue of these Regulations the detaining officer must serve on the skipper a detention notice which —

- (a) states that, in the opinion of a surveyor of ships, the vessel does not comply with the requirements of these Regulations,
- (b) specifies the requirements which, in the opinion of the surveyor of ships, are not met in relation to that vessel, and
- (c) require the terms of the notice to be complied with before the vessel is released by any person mentioned in section 284(1) of the Act.

Right of appeal and compensation

16. Regulations 15 and 16 (arbitration and compensation for unjustified detention) of the Merchant Shipping (Port State Control) Regulations 2011^(a) (which by virtue of regulation 24 of those Regulations apply in relation to the exercise of powers of detention contained in safety regulations) apply in relation to a detention notice served on a fishing vessel under these Regulations as if these Regulations were for all purposes made under section 85 of the Act.

PART 5

Supplementary provisions

Equivalent provisions

17.—(1) Where the applicable Code of Practice requires a particular fitting, material, appliance or apparatus or type shall be fitted or carried in that vessel, or that particular provisions must be made as respects that vessel, the Secretary of State may permit any other fitting, material, appliance or apparatus or type to be fitted or carried in that vessel or any other provision to be made as respects that vessel, if the Secretary of State is satisfied that such other fitting, material, appliance or apparatus, type or provision is at least as effective for the purpose for which the requirements in the applicable Code of Practice is set.

(2) For the purposes of the applicable Code of Practice, the Secretary of State shall accept a fitting, material, appliance, apparatus, type or provision as being at least as effective as the fitting, material, appliance, apparatus, type or provision required by the applicable Code of Practice if it is verified as such—

- (a) in accordance with the applicable Code of Practice or with a Code of Practice, specification or technical description of an EEA State other than the United Kingdom offering equivalent levels of safety, suitability and fitness for the purpose; and

(a) S.I. 2011/2601.

- (b) by a body or laboratory of an EEA State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.

Exemptions

18.—(1) — The Secretary of State may grant an exemption from compliance with an applicable Code of or any provision of such a Code.

(2) An exemption may relate to a particular fishing vessel to which that Code of Practice is applicable, or to any class of such vessels.

(3) An exemption may be granted under paragraph (1) only if—

- (a) the Secretary of State is satisfied that compliance with the applicable Code of Practice or provision, as the case may be, is impractical or unreasonable as regards that vessel or class of vessels, and
- (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equal to that provided by the applicable Code of Practice or provision in question.

(4) An exemption granted under paragraph (1) is valid only if—

- (a) it is in writing,
- (b) it specifies the date on which it takes effect, and
- (c) it specifies the conditions and limitations to which it is subject.

(5) The Secretary of State may alter or cancel any exemption granted under paragraph (1).

(6) An alteration or cancellation under paragraph (5) is valid only if—

- (a) it is in writing,
- (b) it specifies the date on which it takes effect, and
- (c) there is a reasonable period between the issue of the alteration or cancellation and that date.

Revocation

19. The statutory instruments listed in the Schedule are revoked.

Transitional provisions

20.—(1) Notwithstanding the revocation by these Regulations of the Fishing Vessels (Safety Provisions) Rules 1975(a), a certificate issued pursuant to those Rules is to be treated as a certificate issued under these Regulations and remains valid for such period and subject to such conditions as may be specified in that certificate.

(2) Regulation 5 does not apply to a small fishing vessel until —

- (a) the fifth anniversary of its last inspection before these Regulations come into force, or
- (b) the date of the renewal of its registration pursuant to regulation 36 of the Merchant Shipping (Registration of Ships) Regulations 1993(b)

whichever is the sooner.

Review

21.—(1) The Secretary of State must from time to time —

- (a) carry out a review of these Regulations,

(a) S.I. 1975/330.

(b) S.I. 1993/3138, to which there are amendments not relevant to these Regulations.

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Fishing Safety Directives (which are implemented by means of these Regulations) are implemented in other member States.

(4) The first report under this regulation must be published before the end of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulation 20

Statutory Instruments Revoked

<i>Title of Regulation</i>	<i>Statutory Instrument Number</i>
Fishing Vessels (Safety Provisions) Rules 1975	1975/330
Fishing Vessels (Safety Provisions) (Amendment) Rules 1975	1975/471
Fishing Vessels (Safety Provisions) (Amendment) Rules 1976	1976/432
Fishing Vessels (Safety Provisions) (Amendment) Rules 1977	1977/313
Fishing Vessels (Safety Provisions) (Amendment No. 2) Rules 1977	1977/498
Fishing Vessels (Safety Provisions) (Amendment) Rules 1978	1978/1598
Fishing Vessels (Safety Provisions) (Amendment No. 2) Rules 1978	1978/1873
Fishing Vessels (Safety Provisions) (Amendment) Rules 1981	1981/567
Fishing Vessels (Life-Saving Appliances) Regulations 1988	1988/38
Fishing Vessels (Safety Provisions) (Amendment) Rules 1991	1991/1342
Fishing Vessels (Safety Provisions) (Amendment) Rules 1996	1996/2419
Fishing Vessels (Life-Saving Appliances) (Amendment) Regulations 1998	1998/927
Fishing Vessels (Safety Provisions) (Amendment) Rules 1998	1998/928
Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999	1999/2998
Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001	2001/9

Fishing Vessels (Safety of 15-24 Metre Vessels) Regulations 2002	2002/2201
Fishing Vessels (EC Directive on Harmonised Safety Regime) (Amendment) Regulations 2003	2003/1112

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revise the certification regime applicable to United Kingdom fishing vessels, and non-United Kingdom fishing vessels operating in United Kingdom waters. In order to obtain a Certificate of Compliance, a vessel must comply with an applicable Code of Practice, determinable by the size of the fishing vessel and the waters within which it operates. The Codes of Practice deal with the safe operation, construction and equipping of fishing vessels. They implement Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels and Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, as amended by Commission Directive 2002/35/EC.

Regulation 1 provides that the Regulations cease to have effect seven years after the date on which they come into force.

Regulation 2 contains definitions, and *regulation 3* provisions relating to application.

The Regulations prohibit the use of fishing vessels on a voyage without a certificate of compliance issued by a Certifying Authority, which includes the Secretary of State, following a survey or inspection (*regulations 4 and 5*). If a fishing vessel is involved in a collision, grounding, fire or flood the certificate of compliance will be automatically suspended (*regulation 6*). The owner of a fishing vessel must inform the Certifying Authority of any alterations, modifications or repairs made to that vessel (*regulation 7*).

Regulations 8 and 9 provide for suspension and cancellation of certificates and *regulation 10* requires a certificate to be produced on demand by specified officials.

The Secretary of State may require small fishing vessels to be presented for inspection, and it is an offence to fail to report for such an inspection (*regulation 12*).

The Secretary of State has power to inspect and detain all sizes of fishing vessels, including non-United Kingdom fishing vessels. The latter are required to be certified by their flag State as being compliant with the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977, and to continue to so comply while within United Kingdom waters (*regulations 12-15*). *Regulation 16* provides a right of appeal against detention, and for compensation to be payable for unjustifiable detention.

Regulations 17 and 18 provide for the Secretary of State to permit equipment equivalent to that specified in an applicable Code of Practice to be used, or to grant exemptions from a Code of Practice, if satisfied that this does not compromise safety.

Regulation 19 provides for the Statutory Instruments listed in the *Schedule* to be revoked, and *regulation 20* makes two transitional provisions.

Regulation 21 requires the Secretary of State to review the operation and effect of them and to publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum, to which a Transposition Note is annexed, alongside the instrument at www.legislation.gov.uk.