



Maritime and Coastguard Agency

Vessel Standards Branch
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel: +44 (0)23 8032 9154
Fax: +44 (0)23 8032 9104
E-mail: david.fenner@mcga.gov.uk

Your ref:
Our ref: **MS88/5/0018**

14 August 2015

Dear Consultee

PROPOSED FISHING VESSELS (CODES OF PRACTICE) REGULATIONS

Fishing remains a dangerous industry, with the rate of fatalities being approximately 100 times higher than that of the UK general workforce. Evidence has shown that education, training, additional funding and self-regulation have only made a minimal impact in recent years and there are still many fatalities that could have been avoided with improved safety equipment.

Investigations into accidents by the Marine Accident Investigation Branch (MAIB), and ongoing discussions with industry representatives, have identified a number of areas where safety standards can still be improved.

The proposed Regulations will:

- Replace the current Rules and Regulations with a single Statutory Instrument covering all vessel sizes;
- Revise and replace the existing Code of Practice for Small Fishing Vessels with a new Code taking into account the recommendations of the MAIB;
- Revise and replace the existing Code of Practice for 15-24m Fishing Vessels with a new Code taking into account the recommendations of the MAIB; and
- Replace the existing technical requirements of the Rules and Regulations for Fishing Vessels of 24m and Over with a Code of Practice which takes into account the recommendations of the MAIB and includes improvements suggested by Industry based on changes in technology since 1999.

A list of safety improvements are attached to this letter at Appendix A.

The Codes of Practice have been developed by sub groups of the Fishing Industry Safety Group (FISG). Each sub group addressed an individual Code of Practice and



INVESTORS
IN PEOPLE | Silver



An executive agency of the
Department for
Transport

contained experts from Industry with experience of the size of vessel it related to. An Industry wide consultation on the content of the Codes took place in 2013.

Actions requested from Comsultees

You are invited to comment on the proposed Regulations, the three Codes of Practice and the Impact Assessment (IA). Feedback is particularly sought on the questions which are set out at the end of this letter and within the Impact Assessment.

This is an 12 week consultation running from 14 August 2015 to 6 November 2015. Comments to the consultation must be set out in writing and submitted no later than 6 November 2015 to:

Gareth Love
Vessel Standards Branch
Maritime and Coastguard Agency
Spring Place
105 Commercial Road
Southampton
SO15 1EG
gareth.love@mcga.gov.uk

Consultation Package¹

The consultation package is available on-line (www.gov.uk – Departments and Policy – Consultations) and consists of:

- Annex A - Draft Fishing Vessels (Codes of Practice) Regulations
- Annex B - Draft Merchant Shipping Notice – Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall
- Annex C – Draft Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall
- Annex D - Draft Merchant Shipping Notice – The Code of Practice for the Construction and Use of Fishing Vessels of 15m Registered Length to less than 24m Registered Length
- Annex E – Draft Code of Practice for the Construction and Use of Fishing Vessels of 15m Registered Length to less than 24m Registered Length
- Annex F - Draft Merchant Shipping Notice – The Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over
- Annex G - Draft Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over
- Annex H - Draft pre consultation IA
- Annex I - List of consultation questions

Hard copies are available on request.

¹ Due to formatting issues it has not proved possible to join together the Codes and the relevant MSNs for this consultation.

Next Steps

In the light of any comments received, the draft Statutory Instrument, Codes of Practice and Impact Assessment will be reviewed, with the aim of finalising and publishing them.

Comments on this consultation, together with the Maritime and Coastguard Agency's (MCA) responses, will be made available on-line (www.gov.uk – Departments and Policy – Consultations) within three months of the closing date of this Consultation.

Freedom of Information Act

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

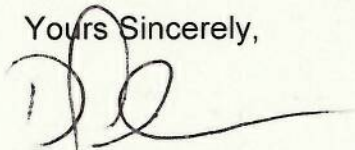
Consultation Criteria

This consultation has been conducted in accordance with the Cabinet Office Consultation Principles Guidance.

Feedback

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk. We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you could complete and return the attached feedback form, Appendix B. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

Yours Sincerely,



David Fenner
Vessel Standards Branch

Consultees

National Federation of Fishermen's Organisations
Scottish Fishermen's Federation
Northern Ireland Fishermen's Organisation
Welsh Fishermen's Federation
New Under Ten Fishermen's Association
Fishermen's Association Ltd
Northern Ireland Fish Producers Organisation
Anglo Scottish Fishermen's Association
Clyde Fishermen's Association
Fishing Vessel Agents and Owners Association (Scotland) Ltd
Mallaig and North West Fishermen's Association Ltd
Orkney Fisheries Association
Scallop Association
Scottish Pelagic Fishermen's Association Ltd
Scottish White Fish Producers Association Ltd
Shetland Fishermen's Association
Anglo-North Irish Fish Producers' Organisation
Cornish Fish Producers' Organisation
Wales and West Coast Fish Producers' Organisation
The Fish Producers' Organisation
Eastern England Fish Producers' Organisation
Fleetwood Fish Producers' Organisation
Lowestoft Fish Producers' Organisation
North Atlantic Fish Producers' Organisation
North Sea Fishermen's Organisation
Shipbuilder and Ship Repairers Association

American Bureau of Shipping
Registro Italiano Navale
Bureau Veritas
Det Norske Veritas – Germanischer Lloyd
Lloyds Register of Shipping

Seafish Industry Authority

Burness Corlett Three Quays (Southampton) Ltd
International Institute of Marine Surveying
MECAL Ltd
Royal Yachting Association
Society of Consulting Marine Engineers and Ship Surveyors
Yacht Designers and Surveyors Association

Department of Environment, Food and Rural Affairs
Marine Management Organisation
Welsh Assembly Government
Marine Scotland
Department of Agriculture and Rural Development – Northern Ireland

Marine Accident Investigation Branch
Royal National Lifeboat Institution
The Fishermen's Mission

British Marine Mutual
Sunderland Marine Mutual Insurance
Scottish Boatowners Mutual Insurance Association
The Shipowners Club

Appendix A: New Safety Requirements for Fishing Vessels

The additional requirements in the Code for fishing vessels of less than 15m are:

- Safety Certificates;
- Emergency Drills;
- Radar reflectors;
- Liferafts on vessels of 7-15m ;
- Bilge Alarms on vessels of 7-12m
- Two additional lifejackets on vessels of 12-15m;
- Carriage of Satellite chipped EPIRBS on all vessels;
- Carbon Monoxide Detectors;
- Stability requirements for new vessels of 12-15m;
- Inspections on change of ownership; and
- Informing MCA of significant modifications to the vessel.

The additional requirement in the Code for 15-24m vessels is:

- Safety systems to be able to run on shore power if crew live on board.

The additional requirements in the Code for vessels of 24m and over are:

- Emergency Lighting to all emergency exits;
- Lightning Protection;
- Fire Detection and safety systems to run on shore power;
- Low level bilge alarms for propulsion machinery spaces, fish holds and unmanned spaces;
- Auto start bilge pump alarms;
- Bilge suction alarms;
- An independent bilge alarm system and a fail-safe warning if its circuit becomes faulty;
- Exhaust fan shut offs;
- Ladders if the distance from sea level to vessel access is 9 metres or more;
- Life buoys and heaving lines; and
- Thermometers for fridges.

Appendix B:

MCA CONSULTATION FEEDBACK FORM

1. Please indicate on which Consultation you are providing feedback:

--

2a. Please indicate whether you are responding on behalf of:

Please cross one box

Yourself as an Individual	<input type="checkbox"/>	A Trade Association	<input type="checkbox"/>	A Company	<input type="checkbox"/>	A Government Organisation	<input type="checkbox"/>
A Trade Union	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>				

2b. Please indicate whether you accessed this consultation package through:

Please cross one box

Post	<input type="checkbox"/>	Email	<input type="checkbox"/>	Website	<input type="checkbox"/>
------	--------------------------	-------	--------------------------	---------	--------------------------

3. Please rate the quality of this consultation regarding accuracy, good English and spelling:

Please cross one box

Very good	<input type="checkbox"/>	Good	<input type="checkbox"/>	Average	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Very Poor	<input type="checkbox"/>

4. Please rate the format of the consultation presentation (layout, Annexes etc):

Please cross one box

Very good	<input type="checkbox"/>	Good	<input type="checkbox"/>	Average	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Very Poor	<input type="checkbox"/>

5. Please rate the consultation in terms of how clear and concise you felt it was:

Please cross one box

Very good	<input type="checkbox"/>	Good	<input type="checkbox"/>	Average	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Very Poor	<input type="checkbox"/>

6. Did you feel that the consultation was conducted over a sufficient period of time?

YES

NO

7. Were any representative groups, organisations or companies not consulted who you felt should have been?

YES

NO

If yes, who?

8. Please let us have any suggestions for improvement or other comments you wish to make about this consultation below:

Thank you for your time. Please return this form to:

Consultation Coordinator
Office of the Chief Executive
Maritime and Coastguard Agency
Bay 3/29, Spring Place
105 Commercial Rd
Southampton
SO15 1EG

Tel: +44 (0) 2380 329469

Fax: +44 (0) 2380 329105

Email: consultation.coordinator@mcga.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional and your feedback will still be taken into account if you wish to remain anonymous):

Name:

Tel No:

Please note that the deadline for responses to the Consultation itself does not apply to the return of this form.