
STATUTORY INSTRUMENTS

201X No.

MERCHANT SHIPPING

**The Merchant Shipping (Work in Fishing Convention)
(Consequential Provisions) Regulations 201X**

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

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

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

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.

Citation and Commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Work in Fishing Convention) (Consequential Provisions) Regulations 201X.

(2) These Regulations come into force on [date] 201X.

Amendment of the Merchant Shipping Act 1995

2. The Merchant Shipping Act 1995 is amended as follows—

- (a) in section 24(2A)(a) for “fishing vessels” substitute “fishing vessels of less than 24 metres in length”.

(a) S.I. 1993/595.
(b) 1972 c.68.[amendments]
(c) 1995 c.21.

Application of the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations 1972

3.—(1) The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972(a) are amended as follows.

- (2) In regulation 2 (exemptions from the requirement of section 1) for paragraph (a) substitute
“(a) a fishing vessel to which the Merchant Shipping (Work in Fishing Convention) Regulations 201X (b) apply;”.
- (3) In regulation 10 (interpretation) after “Regulations” add
“fishing vessel” includes a fishing vessel registered in a country other than the United Kingdom,”.

Amendment of the Merchant Shipping (Seaman's Allotments) Regulations 1972

4.—(1) The Merchant Shipping (Seaman's Allotments) Regulations 1972(c) (SI 1972/1698) are amended as follows.

- (2) In regulation 2 (circumstances in which a seaman may make an allotment)
 - (a) In paragraph (1) after sub paragraph (c) insert
“(d) is employed or engaged on a ship to which the Merchant Shipping (Work in Fishing Convention) Regulations 201X apply.”
 - (b) In paragraph (2) after “paragraph (1)(c)” insert “or (1)(d)”
- (3) In regulation 3 (limitation on issue of allotment notes)
 - (a) in paragraph (1), after “paragraph (3)” insert “and (4)”,
 - (b) after paragraph (3) insert
“(4) Paragraph (1) does not apply to a seaman employed or engaged on a ship to which the Merchant Shipping (Work in Fishing Convention) Regulations 201X apply.”.

Amendment of the Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972(d)

5. The Merchant Shipping (Seamen's Wages and Accounts) (Fishing Vessels) Regulations 1972(e) are amended as follows

- (a) in regulation 1(2)
 - (i) after the definition of “the Act” insert
““fisherman's work agreement” means an agreement required by regulation [11] of the Merchant Shipping (Work in Fishing convention) Regulation 201X(f), and a reference to a fisherman's work agreement in relation to a seafarer who works on a ship means the agreement of the description to which that seafarer is a party in relation to that work;”
- (b) omit regulations 2, 3, 4, 5 and the Schedule.
- (c) In regulations 6, 7, 8 and 10 after “crew agreement” in each place insert “or fisherman's work agreement”.

Amendment of the Merchant Shipping (Repatriation) Regulations 1979

6. The Merchant Shipping (Repatriation) Regulations 1979(g) are amended as follows

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- (a) S.I.1972/919.
 - (b)
 - (c) S.I.1972/1698.
 - (d) S.I.1972/1701.
 - (e) S.I.1972/1700
 - (f) S.I.201X/XXX
 - (g) S.I.1979/97

In regulation 2 (application) after paragraph (1A) insert—

“(1B) these Regulation do not apply to fishermen to whom the Merchant Shipping (Work in Fishing Convention) Regulations 201X (a) apply.”

Amendments to the Merchant Shipping and Fishing Vessels (Health and Safety at Work Regulations 1997

7.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work Regulations 1997**(b)** are amended as follows

(2) In regulation 2(2) (interpretation)

(a) [note amend the definition of company if needed].

(b) after the definition of “employer” insert

“fisherman” means/includes every person (except skippers or pilots) employed or engaged in any capacity on board any fishing vessel;

“fishing vessel” means a vessel for the time being used for or in connection with fishing for sea fish other than a vessel used for fishing otherwise than for profit; and for the purposes of this definition “sea fish” includes shellfish, salmon and migratory trout (as defined by section 44 of the Fisheries Act 1981”;

““fishing vessel owner” means the owner of the fishing vessel or any other organisation or person such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organisation or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner;

(c) in the definition of “seafarer” omit the words “which is not a fishing vessel”;

(d) in the definition of “shipowner”, after the words “ship” where it first occurs in sub paragraph (b) insert “other than a fishing vessel”

(3) In regulation 3(application)

(a) After paragraph (1A) insert

“(1B) As regards Group D and Group E ships

(a) the following provisions insofar as they apply to workers, also apply to seafarers who are not workers and insofar as they apply to employers, also apply to fishing vessel owners

(i) regulation 4(1)(a),

(ii) regulation 5(1),

(iii) regulation 7, and

(iv) regulation 12(1) and 12(2).

(b) in relation to seafarers who are not workers, any obligation imposed by the provisions mentioned in paragraph (a) to the extent that would by virtue of that paragraph otherwise apply to employers and fishing vessel owners applies to fishing vessel owners only.”

(b) in paragraph (2)(a) after the word “ships” where it first occurs omit the words “with the exception of regulations 7(4A), and 11A”.

(c) In paragraph (2A) omit sub paragraph (a).

(a) S.I.201X/XXX.

(b) S.I.1997/2962 [list amendments]

(d) In paragraph (3)(b) omit “only” and at end insert “and Group D ships”.

Signatory text

Address	<i>Name</i>
Date	Parliamentary Under Secretary of State Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend existing United Kingdom legislation in order to implement the Work in Fishing Convention, 2006 (Cmd. ###).

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 alongside this instrument on www.legislation.gov.uk.

