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Your ref:
Our ref: 1st July 2019

Dear Consultee,

CONSULTATION : FISHING VESSELS – WORK EQUIPMENT AND LIFTING EQUIPMENT

The Maritime and Coastguard Agency would like your views on updated guidance on the application of Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 and the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment Regulations) 2006, to fishing vessels.

Introduction

In 2007, the then FISG Health and Safety Committee produced guidance on the application of the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 (LOLER) and the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (PUWER) to fishing vessels.

In 2010 the MAIB published their report into the investigation of the injury of a fisherman when the main trawl wire parted on the scallop dredger, OLIVIA JEAN. The report quoted parts of the 2007 guidance and also MGN 331 and MGN 332 on LOLER and PUWER, and made the recommendations that;

- the application of the Regulations should be clarified; and
- guidance should be improved.

(See Annex 1 for the full text of the recommendation.)

In addition, MAIB identified a number of deficiencies on the equipment on board. These are listed at Annex 2. The report also comments that MCA surveyors were not confident to require deficiencies in the fishing equipment to be rectified.

Work on the recommendations has been waiting for the clarification provided by implementation of ILO 188 as regards health and safety responsibilities. As the UK has now implemented ILO 188 and that clarification is in place, we are now therefore looking at updating the 2007 guidance.

Changes to the Guidance

An amended guidance note is at Annex 3. The main changes are –

- Clarification of the responsibility of the fishing vessel owner, employer, skipper and crew members;
- MCA policy on “equipment subject to conditions causing deterioration” included;
- Explanation of “scheme of examination” added;
- Further guidance on “competent person”;
- Clarification of the powers of MCA surveyors to require further action;
- Clarification on application of industry standards;
- Guidance to be published as an MGN.

Consultees

Anyone can respond to this consultation and consideration will be given to all responses.

Duration

The stakeholder engagement will last for a period of 8 weeks from 1st July 2019 and all comments should be provided, preferably by email, no later than 26th August 2019.

Submitting your responses

Consultation responses should be emailed to workinfishingconvention@mcga.gov.uk. Any questions on this consultation should be sent to this address.

When responding, representative groups are asked to give a summary of the people and organisations they represent and, where relevant who else they have consulted in reaching their conclusion.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under 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 MCA.

The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Data Protection

The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of policy.

The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions, as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission.

To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to:

<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

If you do not wish to remain on this list, please reply and let us know.

Conduct of this consultation

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

The Cabinet Office Consultation Principles can be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

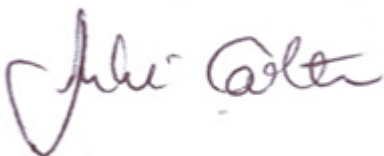
Feedback on conduct of consultation

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. We would be grateful if you could complete and return the attached feedback form (Annex 4). These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

If you require this consultation in an alternative format, please contact either the Consultation Co-ordinator or the named official conducting this consultation.

Yours sincerely,



Julie Carlton
Seafarer Safety and Health Branch Manager
Maritime and Coastguard Agency

**MAIB REPORT ON OLIVIA JEAN
RECOMMENDATION 123/2010 Part 1**

Consider the findings of this investigation when assisting the Department for Transport to address MAIB Recommendation 2010/112, including the need to improve fishing vessel standards and occupational safety by:

- Reviewing the application of LOLER, PUWER, [risk assessment and working time regulations] on board fishing vessels to ensure that they are suitable for the task of improving safety and reducing accidents; and
- Providing clear and robust guidance to its surveyors and the fishing industry at large.

Annex 2

Deficiencies found by MAIB investigators on fishing gear on OLIVIA JEAN (page 13 of MAIB report)

- No identification or test markings of any kind were visible on any part of the trawl system.
- No preventers or similar safety devices were fitted to any blocks or suspended loads.
- The trawl beam attachments to the lifting chains were poorly designed and manufactured. These attachments were fabricated using shackles not designed for lifting and cut links of trawl chain. Many shackles and chain links were badly worn.
- Weld repairs to the trawl beams and tipping bars were inadequate. Both beams and bars were cracked in several places.
- The trawl blocks were worn, damaged and with parts found missing.
- The port Gilson wire was damaged, deformed and not lubricated.
- Various parts of the safety chains were worn and distorted by overload; the assembly was made up from a mixture of ill-matched components. The hooks in use consisted of either a proprietary item, or something similar fashioned from a section of shackle. New spare hooks, unused, were found in the deck store.
- Both derrick base pivots were cracked and splayed.
- Both derricks were found with numerous cracks.