

Consultation Document:

Under 15m Fishing Vessel Code of Practice

August 2020

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# **Section 1: Overview of this consultation**

## Aim

1.1. In the last 10 years, there have been 46 fatalities on small fishing vessels which have resulted in several recommendations from the MAIB to improve safety. Some of these came into force in 2017 with the introduction of a new Code, MSN1871.

To address the other recommendations, the MCA have been developing a new Code of Practice for Small Fishing Vessels, proposing new requirements for new and existing vessels in the following areas:

* Construction, Watertight and Weathertight Integrity;
* Stability;
* Machinery
* Electrical Installations;
* Crew Protection;
* Man Overboard recovery.

## Views sought

1.2. This consultation seeks your views on the proposed Under 15m Fishing Vessel Code of Practice and the accompanying Impact Assessment. Particular attention should be paid to the new requirements listed above.

1.3. A full list of consultation questions is contained in Section 5 of this consultation.

## Deadline for responses

1.4. Responses are welcomed from 17/8/2020 until 8/11/2020.

# **Section 2: Areas for consideration**

## 2.1 The objectives of the Small FV Code of Practice are twofold:

## to reduce the number of lives lost and the number/severity of accidents by improving safety standards on all UK fishing vessels

## by improving the safety and raising the standards of vessels under 15m through aligning more closely the standards of fishing vessels with small commercial vessels and workboats.

## This will provide a single place to access information about the required standards expected in the manufacturing and maintenance which are less onerous than their larger counterparts.

##

2.2 The following are highlights of the key proposed changes within the Code. More in depth information on these are included in the Impact Assessment and the draft Code of Practice.

**Survey and Inspection requirements.**

Currently, Small Fishing Vessels are only required to be surveyed at the time of construction or flag in, and thereafter only once every five years. There is no requirement for the vessel to be seen out of the water and therefore the hull condition may not be inspected.

It is proposed there will be a requirement that the vessel is seen out of the water once every five years at the renewal inspection prior to issue of its Small Fishing Vessel Certificate. An Out of the Water inspection is necessary to assess the construction, watertight and weathertight integrity. This may necessitate two visits to the vessel, to inspect the vessel in the water, if requirements, such as vessel stability or freeboard need to be checked.

A phase-in period is to be considered for existing vessels to comply with the requirements.

**Construction, Watertight and Weathertight Integrity**.

Currently new vessels must meet the Seafish Construction and Outfit Standards on construction, watertight and weathertight integrity. Once the vessel has been registered, there is no requirement for any vessel to continue to meet these standards.

The new Code will require that any vessel registering as a new fishing vessel (after the entry into force of the new Code) continues to meet those standards through the life of the vessel. Additionally, any vessel that carries out a modification, must make those changes in accordance with the Construction and Outfit Standards.

There are no current standards for vessels already registered as fishing vessels. Based on a review of the Workboat Code and the Irish Small Fishing Vessel Code, a number of requirements for existing vessels are proposed.

**Stability**

All new vessels under 12m will be required to comply with stability criteria relevant to their method of fishing whilst existing vessels under 15m must apply a stability assessment method to their vessel.

All vessels will carry a Wolfson Freeboard Notice.

Any vessel that changes its method of fishing after the introduction of the Code must comply with the stability criteria applicable to the proposed method of fishing

**Machinery and Electrical Installations**

The new measures set out in the Chapter on machinery are intended to address and reduce incidents by requiring new vessels are maintained to the Seafish Construction Standard and existing vessels meet a minimum standard.

New vessels will also be required to comply with a number of additional requirements in excess of the Seafish Construction Standards, which vary depending on whether the vessel is decked or open.

**Fire Protection**

The measures proposed are intended to prevent fires starting on small fishing vessels from occurring

New vessels will be required to comply with a number of requirements in excess of the Seafish Construction Standards. The requirements placed on vessels will vary depending on their size and whether they are open or decked vessels.

The MCA has conducted an exercise to establish the extent to which these requirements would apply to decked and open vessels according to their sizes and these have been reflected in the costs applied in the Impact Assessment,

**Protection of Personnel**

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, require that owners and skippers must carry out risk assessments of work activities to minimise or reduce the risks of injury. However, it is the case that these accidents still occur and through measures to regulate activities to reduce the risks, persons on board fishing vessels will be working in a safer environment.

The proposed Code of Practice covers handrails, winch safety, emergency stopping mechanisms, safety training and numerous other aspects which historical incidents including MAIB investigations have identified these as a cause of injuries and fatalities.

2.3 Summary of Options and Recommendations:

Option 1 – Mandatory standards implemented through primary legislation

Option 2 – Introduce a voluntary industry agreed code to ensure buy in to best practice already in place across the industry

Option 3 – Do Nothing – This option has been discounted on the basis that it would maintain the status quo which would potentially lead to increased loss of life and serious injury as the fleet grows and existing vessels are modified to undertake additional work.

Option 1 is the preferred option; this has been agreed upon with industry representatives and it will provide a code of practice which encourages harmonisation and best practice.

**Section 3: Responding to this consultation**

3.1. There are specific questions highlighted in section 5 of this document and information on how to respond to this consultation document.

## Consultees

3.2. Anyone may respond to this consultation and consideration will be given to all responses. We will be particularly interested to hear from owners, operators, crew and builders of the Under 15m Fishing industry.

## Duration

3.3. This consultation is open for 12 weeks from 17/8/2020 The deadline for responses is 8/11/2020.

## Submitting your response

3.4. Consultation responses should be emailed to fishing@mcga.gov.uk, any questions should be sent to this email address.

3.5. 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 conclusions.

## Freedom of information

*3.6.     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) and the Environmental Information Regulations 2004).*

*3.7.     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.*

*Data Protection*

*3.8.     The MCA is carrying out this consultation to gather evidence to inform the development and implementation of policy and legislation [under the enabling provisions of the Merchant Shipping Act 1995 Part IV Section 85. If your answers contain information that allows you to be identified, under data protection law, the MCA, as an Executive Agency of the Department for Transport, will be the Controller for this information.*

*3.9.    The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions. You do not have to give us this personal information but if you do choose to provide it, it will not be used for any other purpose without your permission.*

*3.10.    Details about how the MCA looks after personal data, your rights, and how to contact our Data Protection Manager can be found on gov.uk[[1]](#footnote-2).*

*3.11.    Your information will be kept securely on the MCA’s IT system and any written responses will be held in a secure file and cabinet and kept for up to five years, until a post-implementation review has been completed.*

*3.12.    If you do not wish to remain on this list, please let us know at* *fishing@mcga.gov.uk*

# **Section 4: Outline of plans beyond this consultation**

4.1. Once this consultation closes, we will review all responses. In considering the responses we will apply appropriate weight to those from organisations and individuals with specialist knowledge of the subject area.

4.2. We will be analysing the responses during 9/11/2020 to 27/11/2020. Our aim is to publish an overview of the responses and the MCA’s comments by 16/12/2020 which will be available from: [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

4.3. Where appropriate the draft Code of Practice and impact assessment will be revised to take into consideration the consultation responses.

4.4. Our aim is for the new Code of Practice to come into force by 30/04/2021.

4.5. An overview timetable is below is below for reference:

30/4/21

**Entry into Force / Publication**

17/8/20

16/12/20

31/1/21

28/2/21

30/3/21

**Publishing**

Overview of consultation responses with comment and guidance to go with the proposed Code will be published

**Consultation**

12 Week Consultation to seek views on proposals

**Analysis of Responses**

Reviewing responses from the consultation

**Post-Consultation Revisions**

In light of the responses amendments may be required

**Scrutiny**

Scrutiny of the proposed Code, Guidance and Impact

# **Section 5: Response form**

|  |  |
| --- | --- |
| What is your name?  |  |
| What is your email address? |  |
| What is your job title? |  |

|  |
| --- |
| **When responding please state whether you are responding as an individual or representing the views of an organisation:** |
|  |
|[ ]  I am responding as an individual |  |
|[ ]  I am responding on behalf of an organisation |  |
|  |  (name of organisation) |  |

**Please check the box that best describes you as a respondent and the size of your organisation:**

|  |  |
| --- | --- |
| Respondent Type | Size of Organisation |
|[ ]  Classification Society |[ ]  Large business (over 250 staff) |
|[ ]  Government Agency/Department |[ ]  Medium business (50 to 250 staff) |
|[ ]  Individual |[ ]  Micro business (up to 9 staff) |
|[ ]  Legal representative |[ ]  Small business (10 to 49 staff) |
|[ ]  Protection & Indemnity  |  |  |
|[ ]  Seafarer |  |  |
|[ ]  Ship Operator |  |  |
|[ ]  Ship Owner |  |  |
|[ ]  Trade Union  |  |  |
|[ ]  Other |  |  |
|  | (please describe) |  |

**Section 5.1 Consultation Questions**

**Questions relating to the Impact Assessment**

**Q1**. Do consultees consider that the assessment of the application of additional requirements in the Code to new vessels is correct.

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**Q2**. Consultees are invited to submit any additional evidence or other relevant information on the costs and benefits of the proposed Code (Option 1) that are identified in this IA.

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**Q3**. Consultees are invited to provide details of any additional costs and benefits of the proposed Code (Option 1) that have not been identified in this IA, and provide any additional evidence or other relevant information that is available on these costs and benefits

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**Q4**. Consultees are invited to comment on any of the assumptions that have been made in this IA and are invited to propose alternative assumptions and provide supporting evidence or other relevant information.

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**Q5**. Consultees are invited to propose alternative assumptions regarding the number of fishing vessels which would join or leave the UK flag each year of the appraisal period and provide supporting evidence or other relevant information.

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**Q6**. Consultees are invited to submit any additional evidence or other relevant information on the additional costs of requiring new vessels and those that change their method of fishing to Category A to undergo a stability test and have a completed Stability Book.

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**Q7**. Consultees are invited to submit any additional evidence or other relevant information on the additional costs of requiring new vessels and existing vessels changing their method of fishing to Category B to undergo a roll or heel tests.

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**Q8**. Consultees are invited to submit any additional evidence or relevant information on potential benefits of the proposed Code (Option 1) to Government .

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**Q9**. Consultees are invited to submit any additional evidence or relevant information on the impact of the proposed Code (Option 1) on insurance costs.

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**Q10**. Consultees are invited to submit any additional evidence or relevant information on the impact of the proposed Code (Option 1) on small and micro businesses. In particular whether there are expected to be any disproportionate impacts for any particular group of vessels.

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**Q11** Consultees are invited to consider the Phase in Periods proposed in the Code of Practice at Sections 1.2.5 to 1.2.7, or to propose alternative options for a phase in period and submit any evidence on the impact of the phase in on the ability to meet the requirements by the end of the phase in period

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**Q12** Consultees are invited to submit any additional evidence or relevant information on the impact of the proposed Code (Option 1) on competition.

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**Section 5.2 Comments on the Code of Practice**

Do you have any additional comments to add to the response? Any additional thoughts or insights in relation to the phase in period and maintenance costs would be welcomed.

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**Please return completed response forms to** **fishing@mcga.gov.uk**

Alternatively, responses may be posted to:

Ian Platts

Maritime and Coastguard Agency

Bay 2/22

Spring Place

105 Commercial Road

Southampton

SO15 1EG

# **Section 6: Conduct of this consultation**

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

## Consultation principles

6.2. The Cabinet Office Consultation Principles can be found at:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf>

## Feedback on conduct of consultation

6.3. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.

6.4. 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. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

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

**MCA CONSULTATION FEEDBACK FORM**

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

***……………………………………………………………………………***

|  |  |
| --- | --- |
| 2a. | Please indicate whether you are responding on behalf of: |
|  |[ ]  Yourself as an Individual |
|  |[ ]  A Trade Association |
|  |[ ]  A Company |
|  |[ ]  A Government Organisation |
|  |[ ]  A Trade Union |
|  |[ ]  Other(please specify) |  |

|  |  |
| --- | --- |
| 2a. | Please indicate whether you accessed this consultation package through: |
|  |[ ]  Post |
|  |[ ]  Email |
|  |[ ]  Website |

|  |  |
| --- | --- |
| 3. | Please rate the quality of this consultation regarding accuracy, good English and spelling: |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

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| 4. | Please rate the format of the consultation presentation (layout, Annexes etc.): |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

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| 5. | Please rate the consultation in terms of how clear and concise you felt it was: |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

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| 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? |  |

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| 8. | Please let us have any suggestions for improvement or other comments you wish to make about this consultation below: |
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Thank you for your time. Please return this form to:

Consultation Co-ordinator,

Maritime and Coastguard Agency,

Spring Place, Bay 3/26, 105 Commercial Road

Southampton SO15 1EG

Or e-mail it to: 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.**

# **Annex A:** Draft Merchant Shipping Notice - Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall

# **Annex B:** Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall

# **Annex C:** Impact Assessment of the Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall

1. [*https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter*](https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter) [↑](#footnote-ref-2)