| Consultation Responses to Proposed Code of Practice for Small Fishing Vessels of less than 15m LOA | | | | |
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| Response from | Company | Date | Comments | MCA response |
| Steve Chandler | MCA | 18/8/20 | **2.13 – Exhaust Systems**<br>Would recommend that you include a paragraph stating that if exhaust pass through crew accommodation or wheelhouses that suitable gas alarms need to be installed (& refer them to section 6.5.1)<br><br>**2.7 – Hatches and Coamings**<br>Requirement for hatches to be secured to the vessel (either by hinges, or chain) has not been included in this code.<br><br>**2.11 – Windows**<br>2.11.2 – Recommend adding a statement that blanked off windows must not obstruct or reduce wheelhouse visibility.<br><br>**2.16 - Materials for Valves and Associated Piping - Sea Water Systems**<br>Statement that flexible piping must also be fire-resistant is missing (see MGN 628 section 9.1.10 for flexible pipe standards for newbuilds).<br><br>**3.7 – Cat A stability requirements**<br>This will cause a major issue to the Poole fishing fleet & Portsmouth fishing fleet.<br><br>Poole have a lot of vessels that use a single side dredge (including pump) on u7m open<br>vessels (typically 5m).<br><br>Portsmouth area has a lot of u10m decked (~8m) that operate on a single stern trawl/dredge for scallops & plaice).<br><br>The requirement for these vessel to have a full stability book will most likely result in no new vessels being build or operated in these areas (particularly Poole) and as a result we will have an older and less safe fleet in operation (similar to when the MMO offered to buy back vessels several years ago and aged the UK fleet 20 years overnight).<br><br>Annex 6 refers to operational conditions in 3.8.1, but these conditions are not present in this section<br><br>Based on the offload test (cat B) LOA 6.85m & B 1.5m means that your intentions are to place 256Kg of weight | Comments on Chapter 2 agreed and 2.16 is covered by being in MGN628 and for any replacement on existing vessels to be to the Construction standard<br><br>Code has broadened scope of 3.6.5 so that specific fisheries using special unique vessels may also specially considered for their Category of fishing method.<br><br>Copyright issues prevent inclusion of ISO standards<br><br>MCA Vessel CM files will retain evidence for future surveyors and for discussion with new owners if vessel is ever resold<br><br>The Code allows for unique vessels to be especially considered for stability purposes.<br><br>Propulsion machinery is covered by being in MGN628 and for any replacement on existing vessels to be to the Construction standard<br><br>Code states for controls and instruments this applies where practicable<br><br>4.6 and 4.6 have been amended.<br><br>Existing vessels systems will remain acceptable if fit for purpose. If vessels undertake electrical work then this should be to MGN628<br><br>Existing vessels systems will remain acceptable if fit for purpose. If vessels undertake electrical work then this should be to MGN628<br><br>Existing vessels systems will remain acceptable if fit for purpose. If vessels undertake electrical work then this should be to MGN628 and Insulation resistance requirements complied with.<br><br>Code has been amended regarding movement of fuel tanks. Retained requirements of MGN628 solely in MGN so |

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| | | | along one side of this vessel and the other 100+ like it. However, should the owner decide to replace this craft with a newer (and thus safer) similar vessel we (the MCA) are going to require a full stability book on the grounds that it as a dredge and thus a Cat A fishing vessel….<br><br>**3.9 – Stability of Cat C Vessels**<br>If we are going to mandate ISO standards for stability and state that the fishermen must maintain compliance with these standards we need to included them as annexes in the code. Otherwise, our surveyors (and fishermen) will have no standards to compare the vessel to in the future after the build has been completed.<br>Stamped /engraved CE marks will also not last long on an open working fishing vessel unless we are going to allow fishermen to remark the CE marks on the vessel (which kind of invalidates the entire point of a CE mark).<br><br>**4.2. – Propulsion Machinery & Stern Gear**<br>4.2.2 – Recommend that you repeat requirements of flexible pipe sections to be fire resistant (recommend that standards quoted in MGN628 - 9.1.10 are repeated here)<br><br>**4.4 – Controls and Instruments**<br>4.4.3 – Does not differentiate between helm controlled engines (which can have alarm features) and basic tiller arm small outboard engines that do not have these facilities.<br><br>**4.5 – Steering System**<br>4.5.2 – Recommend the words the words “and safely accessible” after “alternative” for emergency steering. I have seen systems where the fisherman expect to steer his vessel straddling the prop shaft whilst crouched in the 3 foot space under the wheelhouse deck.<br><br>**4.6 – Refrigerating Plan**<br>Text size & pagination is different from the main body of the code<br><br>**4.7 – Electrical installations**<br>4.7.1.5 – You have stated “special earthing arrangements” and ended the section with a comma but have not stated what these are. If the requirement is that these items need to have “earth bonding” it would be clearer to state so.<br>4.7.1.7 – Circuit breakers here are good for protection equipment, but nothing is stated about the use of RCCB | that they apply if vessel undertakes modifications.<br><br>A reminder about MARPOL has been included<br><br>4.10 has been amended.<br><br>Clarification added regarding Towline length<br><br>Cooking and heating appliances section has been amended.<br><br>Amendments made to section 5.5. The requirements in 5.6 are considered to be acceptable<br><br>Clarification will be added in MSIS 27 Instructions for Surveyors on Survey and Inspection of Fishing Vessels on ideal location between cooker and exit.<br><br>Amendment made to section 5.9 as suggested<br><br>Removed wording in 5.6.1 regarding accommodation.<br><br>5.12 remains unchanged, guidance is contained in Instructions to Surveyors<br><br>Reference added to Working in Fishing Convention Regulations Consequential provisions which addresses H&S Reg amendments and to MGN587<br><br>ILO 188 regulations apply and do not require written assessments for all vessels in all case, only for Overboard situations. Amendment to Fishing Vessel Health and Safety regulations would be required.<br><br>Section on Carbon Monoxide amended.<br><br>Section on Handrails amended<br><br>Section on winches amended<br><br>Code sets out that when replacing equipment, the new requirements apply. |

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| | | | type units for accommodation / crew areas to protect the crew from electrical shocks.<br><br>4.7.1.9 – This requirement conflicts with most control system cables (i.e. echo sounders, radars, engine control looms) which are multi-core cables. Recommend that you define which cables your are covering in this section (i.e. generator power cables) or the voltage rating at which you wish this to apply. Most sheaths on cables are for capacitance and mechanical protection rather than electrical.<br><br>4.7.1.10 – Recommend that Nav lights & radio are added to the list of equipment of equipment that the battery capacity must also supply.<br><br>4.7.1.12 – Need to clarify “floor plate level” further as engine rooms can have multiple levels, with the upper levels also doubling as pipe support brackets and cable trunking supports below the deck plates.<br>You are specifying that cables should not be secured with plastic clips, but have not stated that cables have to be safely secured within any space.<br><br>4.7.1.13 – Does not take into account GRP or Wooden hulls. Also recommend “adequate” is replace with the word “suitable”.<br><br>**4.7.2 – Insulation Resistance**<br>If we are going to mandate insulation resistance testing, I recommend that you also include a requirement for the vessel to maintain a record of test results listing cabling, equipment, voltage and insulation resistance reading<br>4.7.2.4 – Strongly recommend this section is re-worded to state that insulation test results must be undertaken 3 months prior to renewal surveys and the results presented at the renewal survey (unless you want our surveyors to spend a week onboard a vessel whilst they swing thru every cable, as the current code requirements state).<br><br>**4.7.3 – D.C Systems up to 24 Volts**<br>4.7.3.4 – Can we replace the word “should” with “Shall”?<br><br>**4.8.1 – Fuel Oil Installations**<br>Requirements of portable fuel tanks (i.e. used on outboards) and non-integral tanks have not been covered. Strongly recommend that the code states that fuel tanks | Consider existing wording on medical kits is suitable to explain requirement<br><br>Table in section 7.2.1 amended<br><br>Current arrangements remain unchanged but will consider education issue of HRU.<br><br>2 Extra jackets for 12-15m vessels only<br><br>Requirement for Handheld VHF radios on liferafts clarified.<br><br>Reference to magnetic compass added<br><br>SOLAS may not allow discretion but the Code can and requirement for vessels other than GRP and wood being required to carry at MCAs discretion is considered sufficient<br><br>Agreed, requirements for nautical publications, taking account of vessel and operation now included in Code.<br><br>Wording should be retained in accordance with ILO188. In addition 10.2.13 says "Where a vessel is not fitted with emergency lighting in mess rooms, passageways, and any other spaces that are or may be used for emergency escape, permanent night lighting shall be provided in such spaces"<br><br>MARPOL Placards are an existing requirement, surveyors should take a pragmatic view.<br><br>The Specimen Certificate has been amended.<br><br>Tests are that displacement takes account of what is used in fuel is replaced by catch - IMO Code has condition of departure from fishing grounds, MCA usually departure for fishing grounds 3.8.1.2 – Owners/Skippers can use test to choose their condition to have test in as long as can replicate it. |

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| | | | need to be secured against movement. Also recommend that aspects from MGN 628 9.2.17 → 9.2.42 are incorporated into the code (petrol tanks on deck requirements etc).<br>Fuel isolation valves have also not been mentioned in this section (along with the ability to access them).<br><br>**4.9 – Bilge Pumping Systems**<br>Recommend that a reminder about MARPOL is placed in this section before fishermen blame the MCA when they pump bilge contents over the side whilst cleaning their bilges in accordance with para 4.9.2.<br><br>**4.10 Bilge Alarms**<br>4.1.10.1 – typo error (**h**4.9.1)<br>Recommend that we also add the standard requirement of bilge alarms also being required in any space with a hull penetration (as we do with code vessels and new domestic passenger vessels).<br><br>**4.12 Towline**<br>Recommend that we increase the wording here to specify that they need to have a tow line (Workboat code requirement is 4x vessels length or 30m, whichever is greater, and the line must be buoyant. Line can also be the spare anchor line/warp as well).<br><br>**5.4 – Cooking and Heating Appliances**<br>5.4.1 – Recommend that we add the word “fitted” in front of “Appliances” at the start of this section. Wording as it stands will require household kettles and toasters to be MED approved and undergo annual servicing…<br>The use of “proprietary” components can also be an issue as manufactures can run out of stock/ stop supporting equipment. There are also reputable 3rd party manufactures for equipment and often galley equipment can require modifying during its installation (i.e. securing brackets, hob fiddles etc).<br>5.4.3 – Unless the OEM’s make specialist securing brackets and equipment suitable for marine use this will conflict with the requirements of 5.4.1.<br>Recommend that we add a section stating the galley fire blanks are to be readily located and available near cooking appliances (but not over the hob as has been seen several times in the past!) | Retain in MSIS27 to allow for future changes to be easily undertaken |

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| | | | **5.5 – Required Equipment**<br>Double entry present on 5.5.1.5 (13A/113B fire extinguishers)<br>Requirement for fire extinguisher on u7m open vessels with auxiliary engines is not reflected in Annex 9.1<br><br>**5.6 – Fire Detectors**<br>On smaller decked vessels we are seeing the use of battery alarms (fire angle is common) that has a wi-fi link to another unit in the wheelhouse. Whilst these have an integral LED they are not exactly a 'visual' alarm. I would also recommend that we state that batteries in fire detectors are to be integral to the unit (I believe this is also now standard as part of Landlords legal requirements, so there is governmental precedence).<br><br>Also, the way the code is written we would have to accept these on a 14.99m beam trawler. Can we mandate that 12m+ vessel with engine rooms need to have a MED approved fire detection system?<br><br>**5.9 – Fire Buckets**<br>Recommend that you add at then end "but must not deform or break when full." I have seen plastic buckets pull free of their handles when I have requested a physical demonstration during surveys.<br><br>**5.12 – Fire Pumps**<br>Statement that we accept deck wash pumps as an alternative to fire pumps onboard fishing vessels has not been included in this section.<br><br>**6 – Protection of the crew**<br>6.1.2 – Would be worth stating the WIFC SI (SI2018/1106) that mandates the owners duties to the crew.<br><br>**6.2 – Risk Assessments**<br>Can we please have a clear statement that risk assessments must be written. Currently what is written alludes to this but does not clearly mandate it (and will leave us with having to legally accept verbal risk assessments again).<br><br>**6.5 – Carbon Monoxide Alarms**<br>6.5.1 – Recommend that you also include "exhausts passing under non-sealed decks". I have seen vessels | |

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| | | | where the exhaust is right under the wheelhouse deck (non-water or gas tight & evidence of the gas leaking in) as it's considered a form of underfloor heating on some older vessels.<br><br>**6.6 – Handrails, Hand Holds and Grab Rails**<br>6.6.2 – On small open vessels the addition of a 1m guard rail has the potential to vastly increase the risk of capsizing the vessel, thus making the vessel less safe. Recommend that you also include "safety" in the last sentence to mitigate this risk. See picture of 3.7 previously.<br><br>**6.8 - Winches, Tackles and Hoisting Gear**<br>6.8.3 – Recommend that the words "at least annually" be added to "regular intervals" for inspection records.<br><br>6.8.6 – This requirement currently applies to existing vessels that replace or install new hauling gear. As it is currently phrased in this new core, we are removing this requirement.<br><br>**6.10 – Medical Kit**<br>6.10.1 – Final sentence is not clear and has the potential to be mis-read. There is a current misunderstanding amongst the majority of fishermen that Cat-C first aid kits must be kept in a sealed bag. As such we often find that fishermen may (if we are lucky) have 2 first aid kits. The cat C sealed bag and a second "working" first aid kit.<br>This worry that opening the Cat C bag will invalidate their vessel leads to fishermen refusing to use their medical kit onboard, even when they have need of its contents. This also have the effect of being considered as the "orange tax" onboard the vessel as they purchase new kits ever 2-3 years without ever opening them.<br><br>A clear statement that the requirements is the contents of a Cat C medical kit (as per MSN 1768), and that they do not have to be maintained in a single seal bag (but rather a suitable container) would go a long way to help eliminate this problem.<br><br>6.10.1 – Technically all fishermen are required to undergo first aid training. Should this be a statement relating to the Cat B first aid equipment?<br><br>**7.2.1 Vessel Requirements (LSA)** | |

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| | | | Should not the table statement of PFD's read 1 per person working on deck? There is no requirement to wear a PFD in the wheelhouse, galley or engine room.<br>EPRIB / PLB requirements are not as per code requirements (i.e. u7m open require and EPRIBS or PLB, but not both)<br><br>**7.3 - Liferafts**<br>7.3.2.8 – Are we still going to accept weak links fitted to liferaft painters for rafts fitted in a float free arrangement. There are still lots of fishermen who don't trust HRU's to operate correctly (there is provision for this in section 2.6 of MGN 343).<br><br>**7.4 – Statutory Life jackets**<br>7.4.3 – 10% or 2 additional conflicts with LSA requirements stated in table 7.2.1. Are we requiring 2 extra jackets on all FV, or just 12-15m. Also, if this is the case table 7.2.1. should also include the 10% statement. Annex 9 should also be updated accordingly.<br><br>**9.2 – Radio Equipment**<br>9.2.1 – The requirement to carry a Hand Held VHF for liferafts should be stated in this section. It's in the next paragraph, but easily missed (most fishermen won't read past the 1st paragraph and take this as what is required). Requirements should also be captured in the Annex 9 List of requirements<br><br>**9.5 – Navigation Equipment**<br>9.5.1 – Please change "magnetic compass" to "suitable nautical magnetic compass". I have surveyed vessels which have been passed who have a scouts a map reading compass (and thus can claim they legally comply!)<br>9.5.2 – SOLAS 19.2.1.7 doesn't allow much in the way discretion (wording is "if practical"). It's possible to fit a radar reflector on a 3m open wooden vessel so it's possible to fit one on any fishing vessel! If we have made it compulsory for GRP & Wood I recommend that we should do the same for steel as well.<br><br>There is currently no requirement in this code for vessels to carry charts or nautical publications (understandable for very small vessels 3m open vessels, not for 14.99m trawler). | |

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| | | | **10.2 – Crew Accommodation Requirements**<br>10.2.5 – Requirement for emergency escape to be illuminated is missing<br>10.2.40 – Requirement for galley & food to be inspected every 7 days and record maintained (as per WIFC) is missing.<br><br>**11.1 – Clean Seas**<br>11.2.1 - Placarding is not suitable for small open vessels (nowhere to place it and it's liable to become MARPOL pollution when it blows off the vessel…)<br><br>**Annex 2 – FV Certification**<br>Spelling mistakes (numerous)<br>*In vessel particulars*<br>1. Port is missing it "t"<br>2. Owner is missing "w" and has 2 "n"s<br>3. Overall is missing 1 "l"<br>4. Type of fishing method spelt "Typ ofe if Fishing method"<br>*This is to certify:*<br>1. i) end of sentence ends ";;t"<br>2. iii) code does not require nautical publications (see 9.5 above)<br><br>Operational Sea Area missing from certificate<br>Fishing mode missing from certificate<br><br>**Annex 6 – Off load Test**<br>1.4 – Operating conditions are not present in section 3.8.1<br><br>**Additional Annexes**<br>Recommend that we also include an annex on how the MCA measures u15m vessels for tonnage. Whilst not a code requirement this would be of great benefit to fishermen to enable them to calculate their tonnage prior to | |

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| | | | surveys so they can begin their preparation work with the MMO for fishing quotas. | |
| Ken Ross | Vessel Owner | 22/8/20 | Any addition to safety should be welcomed!<br>However various parts of this legislation a are flawed due to the one size fits all approach to the inspection and compliance of all under 15m vessels.<br><br>Also the time scale for the implementation of the legislation also needs to be reviewed with the fishing industry having been hit by the corona virus, the resulting financial struggles along with Brexit makes this an addition we don't require.<br><br>Suggestions:-<br>1 Review the timing of the implementation of the legislation. Corona virus / Brexit<br><br>2 Review the criteria for implementing the legislation – size of vessel, fishing operation, vessel age, vessel construction, length of trips, distance from port/land, size of crew, etc. One size does not fit all.<br><br>3 Review the need to visit the vessel on 2 occasions in and out of the water. If the inspectors are in the area and vessels are in the harbour review their characteristics, then when carrying out the full inspection possibly have the vessel out of the water.<br><br>4 Review the requirement to view the vessel out of the water with the associated slipping costs. Is it necessary?? These factors may depend on vessel construction GRP or wood? The age of the vessel? Its maintenance standards? Number of previous owners? Size of vessel? Fishing operations<br><br>5 Fully train the inspectors in the day to day operation of a fishing vessel. An inspectors idea of safety on paper maybe good but in practise can be extremely unsafe! All boats are not built, operate or are maintained to the same standard so do not easily fall into a checklist.<br><br>6 Offer a free service to inspect the vessel. More people would be more willing to remain in the industry rather than fish illegally thus avoiding the safety regulations and associated costs.<br><br>7. Review the electrical inspection requirements. Asking a marine electrician to megger a 12v system will have little benefit to safety, an inspector looking at the size, condition | The Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The MCA is providing a 2 year phase in period from the Date of Entry into force of the Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory.<br><br>MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br>There is no evidence to suggest that vessels with different construction are less likely to suffer hull issues, only different issues. All vessels may suffer loss at sea due to water ingress and therefore an out of water inspection is required to consider this risk<br><br>The MCA already have in place a large team of Surveyors fully trained in the inspection of U15 FV's. The Surveyors are multi-disciplined, come from a variety of marine related backgrounds and are able to provide a wide range of advice and technical expertise to the Fishing Industry |

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| | | | and connections of a 12v system should suffice. For invertors (240v) and some limited 24v applications it maybe applicable.<br><br>8. Review and consider the cost implications on small scale vessel operators. | We have reviewed the electrical requirements. Insultation tests will only be required on new vessels and when new electrics are installed. Existing vessels electrical requirements will be accepted if they are fit for purpose, whilst vessels built after 2007 or to a Construction Standard will be expected to meet that Standard.<br><br>We have reviewed the requirements and introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to. |
| Roger Gee | MCA | 27/8/20 | Would it be possible to include a section in the new code that will look forward to new & future technologies, especially wrt stability? A statement along the lines of:<br><br>"The equipment levels within the Code are considered to be a minimum. There is nothing to prevent an owner / skipper supplementing the equipment stated with additional equipment – providing it is effective and remains fit for purpose. Where new or emerging technologies can be shown to benefit the safe operation of the vessel the MCA encourages their consideration."<br><br>Or words to that effect?<br><br>I would consider that the radio requirements in general should be clarified. Seems strange to me that we can still accept HH vs Fixed (DSC) on all u15m's - surely A1 requires a set capable of such - as with all other vessels. Those with less perhaps should be restricted? Shouldn't HH also be DSC? They do exist at approx. £180.<br><br>If HH is the main / only radio comms and the vessel is also fitted with a LR then a spare battery would seem sensible. I think clarity in the code is required. | Wording added to allow for new and future technologies<br><br>Requirements clarified to ensure Radio capable of use in A1 Sea Area |
| Bill Brock/Charlie Brock | Vessel Owners and South East Fishermen's | 15/9/20 | 1.1.1 We note that the aim of this new Code is to "improve the safety in the less that 15m sector". We have kept this in mind throughout our following responses. | FISG also constitutes members from SFF, NIFF and WFA. The MCA also conducted a national roadshow in 2019 to raise awareness of the Code and the proposed consultation |

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| | Protection Association | | 1.1.2 It is stated that the content of this draft code has been developed with the input of the Fishing Industry Safety Group (FISG), and that this group would be consulted if this draft code requires updating. We would like to point out that the FISG is a small group formed from NFFO members. The NFFO does not represent the entire fishing industry, indeed far from it and most of the group have limited experience in the ownership or operation of U15m fishing vessels. We believe that the MCA should look to seek the input of a far wider audience than that sort so far.<br><br>1.2.1 From an operational perspective, we have seen significant changes to the Code of Practice for small fishing vessels over the last 3 years. Changes were made in 2017 and then again in 2018, and now we are looking at further changes in 2020/21. New build criteria changed in 2018 and now is planned again in 2020/21. We fully support the code being updated to be relevant, but would like to point out that if a code keeps changing, neither operators or builders will not become familiar with its content and know what is expected of them. Stability of regulation is required as well as stability of boats!<br><br>1.2.6 The four bullet points at the top of page 6 that describe the brackets of vessel length, should ring alarm bells to those compiling this draft code. The re-drafting of this code brings an opportunity to clarify. Clarity brings with it certainty and therefore safety and the stated aim of this new draft code is to "improve the safety in the less that 15m sector". This new draft persists with using a combination of LOA, RL and LBP. This inserts confusion and opportunity for mistakes. We would strongly suggest that only one length be used for clarity, especially in the Annexed lists of vessel requirements by length. LOA would seem the logical designation and unambiguous.<br><br>1.4.1.2 In general we support the re-inspection of a fishing vessel "at change of ownership". However in practice we have found that on a significant number of occasions, a vessel has been inspected for the previous owner for the five yearly cycle just prior to sale, only for the new owner to have to instruct the MCA to re-inspect the same vessel just days/weeks later for the change of ownership. Would a practical compromise be that re-inspection on change of ownership would be necessary if the vessel had not been inspected in the previous 6 months?<br><br>1.4.1.3 We would like to whole-heartedly support and agree with the new requirement to inspect each vessel out | and invite questions. This consultation has also provided the opportunity for all fishermen to comment on the proposals.<br><br>The MCA is responding to MAIB recommendations it was not possible to address in previous revisions. MCA agrees that a period of stability regarding the Code of Practice is now desirable but is required to consider amendments if concerns regarding safety arise.<br><br>Whilst we acknowledge the use of different lengths may lead to confusion, it is not possible to amend the lengths without potentially adversely affecting safety requirements of vessels.<br><br>MCA considers that Change of Ownership inspections are necessary regardless of date due to ability for items to be removed by previous owners.<br><br>MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br><br>MCA will provide 5 year Certificates following Change of Ownership to tie in with Certificate of Registry<br><br>At first inspection the owner is to agree the fishing methods conducted by the vessel, by observation of the vessels equipment or records of fishing, and corroboration from Fisheries administrations may be sought. Once recorded on the Certificate, there is no need for MCA to be informed when the vessel changes method, unless it is to a method previously not used by the vessel |

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| | | | of the water as part of the re-inspection process. This is logical and necessary and the addition of allowing owners to have this out of water survey conducted up to 6 months in advance, will allow this to be conducted as part of annual refits.<br><br>1.4.1.4 We can see no safety benefit for not allowing a full five years of certification following an inspection due to change of ownership. If a full in & out of the water inspection is conducted by the MCA for a change of ownership inspection, then this is exactly the same inspection regime as would afford a five year certificate in other circumstances. Why then is this not being offered? Current change of ownership inspections give a five year certificate. In the absence of logical reason, it would be easy to think that this inclusion is more about money generation that vessel safety.<br><br>1.6.1 We consider this clause to be sensible and can see what the MCA are trying to achieve, but we would point out that many inshore vessels, indeed the majority, utilise a number of different modes of fishing during their annual catching cycle. This clause may want to be slightly re-worded if the MCA are not going to be inundated with fishermen informing them that they are now going netting instead of potting or trawling instead of netting, or potting instead of netting! Flexibility in the U-15m sector is key to its survival.<br><br>1.7.1 "..to demonstrate that their vessel's construction is of a suitable standard". Again we can understand the reason for this statement but what does this mean in practice? What is "suitable"? Who decides if it is "suitable"? What happens if the "suitability" is not agreed upon? Does this not need a tighter definition or at the very least a description of who adjudges "suitability"?, as by its nature the wording here is open to subjective interpretation by each individual surveyor.<br><br>1.7.2 As stated previously, the re-drafting of this code brings opportunities to make things better. One such opportunity is to rectify the issue faced virtually every time a new vessel is attempted to be registered. We have personal experience of this difficulty, multiple times, and others in the industry complain about the same. The RSS are reluctant to issue a registration certificate without a | This means that vessels should be maintained to standard to which they were built. If the vessel was not built to a Standard, then it must be fit for purpose and for the intended operation. This may be guided by vessel history and MSIS27 Instructions to Surveyors<br><br>Issues regarding Vessel Registration should be addressed to the Registry of Shipping and Seaman.<br><br>The period has always been set at 6 months.<br><br>MCA has records of SFIA numbers since 2011. Before that Yards issued Certs, were authorised by Seafish. This requirement is an existing requirement and not new to this Code. It is considered the responsibility of potential owners to identify vessels that can provide the necessary Certification.<br><br>Wording amended to match Construction Standards and only for vessels built to standards. If not built to Standards, then must remain efficient in service<br><br>Agreed, an indication as to open/closed positions is acceptable<br><br>This requirement is from Construction Standards. However MCA has introduced and amendment so that the arrangement of vessels not built to the Seafish Construction and Outfit Standards for Fishing Vessels of less than 15m LOA, MGN628 or any superceding document remain acceptable provided that such arrangement continues to remain fit for purpose<br><br>See above comments regarding notifying MCA regarding Stability methods and vessel lengths<br><br>EAIPP is an existing Regulation that must be complied with now.<br>This is requirement already |

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| | | | safety certificate. The MCA have been reluctant to survey an unregistered vessel. And around the circle we go.<br>This clause states that a Small Fishing Vessel Safety Certificate will be issued prior to registration. As long as that is a fact, the problems of old are cured. However we would point out that without registry, a vessel is not designated “fishing vessel”, so how can a dedicated Fishing Vessel Safety Certificate be issued?<br><br>1.7.4 We seem to recall that the period is currently 12 months not 6 as now drafted? As the vessel would have to pass all elements of an in and out of the water survey, does this extra 6 months affect in a meaningful way vessel safety?<br><br>1.7.6 We believe that this should state “First Registry” of a fishing vessel built after 2007, but as currently drafted it does not say that. Instead any registration would require this up to 13 year old documentation. This retrospective requirement is just too onerous and will have huge financial implications for both the seller and buyer. To insist on hull construction and outfit certificates for vessels built up to 13 years ago, before a vessel can be registered is simply unreasonable. If when being built the vessel required these certificates, it was the responsibility of the MCA or SEAFISH to make sure the vessel was compliant. First registration would have been reliant upon the vessel build being compliant. These organisations were paid to oversee the builds and to ensure compliance. To now make it the responsibility of the owner and/or all the previous owners of that vessel to have these certificates to hand after 13 years is unreasonable. In effect by stating that any registration is reliant upon having these document, those without will not be able to ever sell their vessels, or an unwitting buyer who completes a transaction without being passed these document, would not be able to register the vessel!<br>And for what possible benefit? This draft code is supposed to “improve the safety in the less that 15m sector”. As new builds since 2007 would have had to be compliant to receive these hull and outfit certificates, and first registry would have been reliant upon the first owner having these certificates, how is the safety improved all these years later by the insistence of two pieces of paper that were issued by MCA/SEAFISH in the first place?<br>As currently worded this is illogical and does not assist the stated aim of the new drafted code.<br><br>2.14.2 We would suggest that if left unchanged, this clause will be counter-productive and lead to issues. The retro-fitting of the gauze diaphragm type anti-flash units will not | Text amended to A secondary means of being able to start the propulsion should be provided in the event of failure of the normal means. For vessels fitted with two means of propulsion (i.e. twin outboard/inboard engines) then, provided each means is independently provided with fuel, cooling and a means of starting, should one means of propulsion fail the other can be considered as a secondary means<br><br>Text amended so it is clear it applies only where fitted.<br><br>Agreed, reference to owners added<br><br>These are requirements already in force through the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 No. 2184<br><br>Code now refers to being covered by risk assessment<br><br>Table amended as suggested. |

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| | | | be easy on a small fishing vessel. They are only suitable for larger installations which rarely exist in the small inshore fishing fleet. This being the case, if the MCA insist upon this clause remaining as drafted, most owners will change to using vent pipes of 25mm or less (presumably ID, but this is not stated), and continue to utilise lay-flat hose as a means to prevent water ingress. This will have the unintended consequence of forcing owners to use too small a diameter vent pipe which could lead to tank damage, pressurisation during filling and spillage. It would be far more sensible to allow vent pipes up to 50mm ID to be used before the big boat style gauze units are mandatory.<br><br>2.15.1 We simply wish to note that it is virtually impossible to label whether a screw down/gate valve is open or shut. On a lever valve it is easy but on a screw down/gate valve, very difficult.<br><br>2.18.3 It would seem to be illogical to make this generalisation. Most of these openings are designed so that water will escape the deck whether the opening is open or closed. In these cases these openings do benefit the overall freeing of deck water and add to the safety of the vessel hence safety. Special provision should be allowed for openings designed in such a way.<br><br>3.6.6 See our comments on 1.6.1 above. Multi-purpose/mode fishing vessels are prevalent in the inshore sector. Vessels will use a combination of category A, B & C gear types. It would seem logical that such a multi-purpose vessel should comply with the most stringent of the category requirements but if this is the case, what is the purpose of that owner/fishermen seeking approval or notifying the MCA of gear changes?<br>It is further noted that in sections 3.6, 3.7, 3.8 and 3.9 this draft discusses important issues that need to be fully understood by all, yet persists in using registered length. Yet sections 3.10 and 3.11 revert to length overall. Again we urge the use of just one standard length criteria to eliminate confusion and promote the “improve the safety in the less that 15m sector”.<br><br>3.11.7 See our comments on 3.6.6 above.<br><br>3.12.1 We would suggest that the draft is changed to say “The fishing method(s) of the vessel shall be recorded…”. This would allow for the multi-purpose nature of many inshore vessels. | |

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| | | | 4.1.3 Many owners faced with needing to replace a broken engine wish to fit a direct replacement. To do otherwise creates additional costs in altering engine beds, gearbox drive plates, hatches, pipework, electrical looms, exhausts etc… A good number of existing engines are not provided with EIAPP certificates as they pre-date this requirement. As currently drafted clause 4.1.3 will force many small vessel owners to re-engine using different engine types/manufacturers and incur the additional costs described above.<br>This policy does nothing to promote the stated aims of this new code of decreased loss of lives in the U15 sector or to "improve the safety in the less that 15m sector".<br>We strongly suggest that this is taken out of this draft before affected fishermen challenge this policy as set out in a safety Code.<br><br>4.3.1 It all depends on the interpretation of a secondary means of starting a propulsion engine? If a second battery bank or a replacement starter motor would suffice this policy, compliance can be achieved in this inshore small boat sector. If the interpretation is that every manufacturer of marine propulsion engines has to redesign every engine to facilitate electric, hand crank or air start facilities then 99% of current/existing engines in inshore small vessel would require changing at a cost of millions. Who would pay for this? This policy needs a lot more thought and it is concerning that the FISG did not pick up on this issue.<br><br>4.8.1.1 It is one thing to insist upon these requirements for fuel tank gauges/sight glasses/sounding pipes to be fitted to new builds but quite another to retrospectively apply this to existing vessels who's design may not allow for such. Literally thousands of inshore fishing vessels do not have any form of fuel gauges and have operated for decades without incident. Many are of a design that excludes these being retro-fitted. We would offer that this policy is a step too far for existing vessels and should be applied only to new builds.<br><br>6.2.1 It may well be sensible to look at redrafting the use of the label "employers" when talking to an inshore fishing audience. Small vessel operators, whether owner skippers or otherwise, are not employers; they offer opportunity to self-employed share fishermen, a status that the MCA has confirmed survives the implementation of the ILO 188 convention regulation.<br><br>6.8.6 In the majority of cases this policy would enhance safety and we would support it despite this being expensive | |

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| | | | to achieve. However in the majority of vessels less than 7m, these are being operated single-handed and so it may well be logical to drop the requirement for a secondary emergency stop in the wheelhouse as there would not be anyone in the wheelhouse as the single crewmember would be out on deck hauling/shooting.<br><br>6.8.11 Consideration needs to be given to moving equipment that needs constant tendering such as slave haulers and net haulers. To install protective devices to such equipment would render them practically useless. Common sense needs to be applied here.<br><br>7.2.1 This table is a perfect example of confusion and lack of clarity making safety less likely not more. There are 3 categories of vessel length stated in this table. None indicate whether these categories are based on LOA, RL or LBP, where other sections of this draft code specify RL or LOA. When an owner then compares this table with the detail of the vessel category check-list requirements Annex's, he/she will not be able to cross reference what safety equipment is required for his/her size of vessel. We strongly recommend eliminating this confusion and lack of clarity by standardising how we define vessel length.<br><br>Annex's 4, 5 & 9<br>Annex's 4, 5 and 9 in our opinion would be greatly improved, and the stated aims of this new code more likely to be achieved if the vessel length was consistently one source (all LOA or all RL). As registered length is somewhat old hat now and fishermen are used to focusing on LOA for licensing issues, we would suggest a move to only quote length as LOA.<br><br>Annex 12<br>We would suggest that in the list of commonly used F gases, that R448a and R449a are both added as these are now commonly used in marine Installations as replacements for more environmentally damaging gas types. | |
| Chris Venmore | Private | 12/10/20 | **The overall view.** This is the most diverse group of fishing boats and by far the least profitable, so any increase in costs (as these proposals will incur) may well cause such boats to make up for lost income by fishing in more dangerous conditions - the effect of unintended consequences. You may say it is only once in five years, but it is that fifth year when the skipper will try and make up the lost income which may well cause a lost boat. Many of the accidents occur, not because the boat is unsafe, but | The Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for |

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| | | | because the skipper goes to sea (or gets caught out) in dangerous conditions, financial pressures often being the reasons for this.<br>**Statistics.** Statistics can often be used to try and prove an already decided position. I feel that this is what has happened in the statistics MCA has quoted. When you say 40 to 50 deaths per 100,000 it sounds very bad, but using such criteria is very emotive, particularly as there are less than 12,000 fishermen in the UK. On the other hand, and giving a more understandable and realistic statistic obtained from Seafish, 6 deaths a year (and I am informed, none while fishing so far this year) sounds nowhere near so bad (but every death is, of course, a tragedy).<br>It is also misleading to attempt to equate the various industries for, by doing so, you are not comparing like with like. Apart from being a manual job, fishing has little in common with agriculture and building, it being on a moving platform, affected by wind, tides and waves.<br>Smaller vessels are almost bound to appear to be more accident prone, for there are roughly eight times as many under 15m as there are over 15m. If we extrapolate the figures using the six deaths last year (2 in over 15m, 4 in under) then the over 15m should have had 16 fatalities - yet you are concentrating in bringing in more regulations on the section with statistically the safest record. That is not logical !!<br>**Areas for Consideration (as listed by MCA)**<br>**Survey and Inspection requirements**<br>Surveying all aspects of a new construction poses no problems and can, and should, be easily done. With existing vessels it is not so simple and the requirement to inspect them out of the water every five years does, however, raise problems.<br>Admittedly, most boats come out of the water once a year but, speaking from my own experience with a 10m boat, this is seldom planned down to the actual day as, being relatively small, suitable cradles and space is usually readily available. One aims to take it out during the off season but, if the weather is fine on the favoured day, then it is usually postponed and the boat goes to sea instead. Would surveyors be available at short notice or would the fisherman have to forego a day(s) at sea and consequent loss of earnings? (You say the inspection could take two days.)<br>Not all small boats have access to suitable lift out/hard standing facilities (some actually "live" on the beach). If these are what are required they may have to steam some distance to find such facilities (more time and money lost). Many boats of this size just beach them as the tide goes out and then re-float on the incoming tide. Are | purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The MCA is providing a 2 year phase in period from the Date of Entry into force of the Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory.<br><br>We have also reviewed the requirements and to take into account the comments regarding additional costs, introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The use of fatalities per 100,000 is and accepted means of measurement. In using this figure it allows to equate the industry not just against land based activities but also other marine activities, which the fishing industry is consistently seen as incurring greater injuries and fatalities. In addition, the MAIB Annual Report estimated, based on information from insurers, that only 13% of all accidents in fishing were reported.<br><br>Furthermore, Incidents relating to over 15m are being dealt with the introduction of MSN1872 and MSN1873 and tighter regulation of crew, whereas vessels under 15m remain lightly regulated.<br><br>MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to |

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| | | | surveyors available/willing to inspect in such time dependant and often muddy circumstances?<br>It is, I believe, not necessary to have the vessel out of the water to inspect for watertight and weathertight integrity. Water coming in from the outside is more readily seen where it is coming in - i.e. inside the boat.<br>Are you able to say how many lives would have been saved had the boats involved in such losses been inspected out of the water? Fishermen should be given such information to justify your proposals.<br>**Stability**<br>As mentioned above, it is practically impossible to design a suitable stability test for such a diverse range of boats many of them involved in more than one method of fishing We were assured that, because of this difficulty, no such test would be introduced. At time of build, new criteria could be introduced, but with boats already in service this is impossible. How are you going to agree what MCA previously said was impossible and how are you going to enforce it?! The examples given are complicated in the extreme and beyond most fishermen to work out. If a boat does not meet the arbitrary criteria you lay down you could well be putting a fisherman out of business.<br>**Fire Protection**<br>Vessels are already required to carry appropriate fire extinguishers for their respective fire hazards. If the hazards have not changed, why does MCA need to change the requirements? As long as the boat complies with the present requirements (which are fit for purpose) it seems totally unnecessary to add yet more expense to compliance.<br>**Protection of Personnel**<br>No activity is risk free and the risks on a fishing boat should be, and in most instances are, covered by its risk assessment. The best way to avoid and overcome them is by training. More regulations just add to the burdens on the fishermen and are very often an encumbrance decreasing safety and not adding to it. As an example, handrails (as proposed around the perimeter) whilst possibly preventing the occasional MOB will also make it difficult to pull someone back on board. Even with help, it is difficult to get back over the gunwhale, how much more difficult, particularly for a single handed boat, will it be with a handrail in the way? All gear comes back on board over the side or stern; you can't have rails interfering with the free flow of nets, pots, ropes etc. That is dangerous. Training, yes: more encumbrances, no.<br>**General**<br>As one reads all the various specifications now proposed it becomes daunting, almost frightening, it is so prescriptive | inspect vessels out of the water at no or as minimum extra cost as possible.<br>There is no evidence to suggest that vessels with different construction are less likely to suffer hull issues, only different issues. All vessels may suffer loss at sea due to water ingress and therefore an out of water inspection is required to consider this risk. It is considered necessary to inspect the vessel out of the water not just for deterioration of the hull which may not be apparent from the outside but also to inspect areas such as the rudder and propellor.<br><br>The continued loss of vessels and subsequent fatalities mean that the continued lack of regulation regarding vessel stability is unsustainable. The MCA has endeavoured to identify tests that can be conducted based on risk and to allow owners to monitor the vessels stability themselves. Guidance on the tests is provided and is not considered to be difficult to undertake. Furthermore it can be undertaken by the owner at no cost.<br><br>Tests will identify vessels potentially at risk<br><br>Fire Fighting requirements have not been amended in this revision of the Code. Additional requirements that incur no expected costs have been included to reduce the risk of fire and subsequent use of fire firefighting equipment<br><br>The Code allows vessels to reduce heights or have portable sections where vessel operation may be hindered |

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| | | | and much of it over the top. For a new build or new registration, it is the choice of the fisherman whether to build or register. No problem. For boats already in service, changing the criteria to such an extent will force many out of business. (I am glad I am out of it for, with such proposals, I would almost certainly have left the industry). Quite clearly, much of it has been written by people who have never operated a small fishing boat.<br>There are so many proposals/requirements that many (perhaps most) currently registered boats do not or can not comply with. What, for instance, is a secondary means of starting the engine - spare batteries (more weight to get in the way), starting handle (in the past!), pull start as with an outboard etc or perhaps even a tow start!!<br>Then there is a requirement that the boat must not operate outside its area of operations except in favourable weather conditions. What are favourable and who decides it? One man's rough sea is another man's choppy sea.<br>There is so much minutia in all the different sections that, as I say above, it is absolutely essential that MCA talks directly to the fishermen involved.<br>**Costs**<br>It is impossible to put a figure on the possible loss for the fisherman - not just the inspection, but all the cost of compliance with the proposals. Agreed, if the proposed inspection is carried out during refit the loss of fishing time could be very small, if any. However, if the inspection over-runs refit time or if a set time and place has to be arranged and it takes two days, then the losses in lost fishing time/catch could be quite considerable. The fisherman, quite understandably, will then wish to make up any such losses and, in doing so, "pushes" weather which would normally see him stay on shore. MCA needs to do its own risk assessment here!<br>I can find no price estimate for the likely cost of the inspection levied by MCA. (During the discussion on the original code we were assured that charges would never be imposed.) However, the consultation document does estimate the yearly cost to the industry to be 6.9 million pounds. If you divide that between the (approx.) 5,700 under 15m boats it works out in round figures at 1,200 pounds per year per boat. However, according to Seafish's figures, approximately 1,400 of these boats may be inactive (i.e.no landing figures). This makes the potential loss per active boat even worse - 1,600 pounds per year. This is a very substantial loss and for many boats would be unsustainable.<br>**Inspections**<br>Small boats and their operations are very different to larger boats or ocean going ships. The feed back I and others on | FISG also constitutes members from SFF, NIFF and WFA. The MCA also conducted a national roadshow in 2019 to raise awareness of the Code and the proposed consultation and invite questions. This consultation has also provided the opportunity for all fishermen to comment on the proposals.<br><br>We have also reviewed the requirements and to take into account the comments regarding additional costs, introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to. This is expected to significantly reduce the costs to Industry.<br><br>A definition of favourable weather, used and accepted in other maritime codes, has been included.<br><br>See IA for compliance at the moment, see earlier comments on 2 means (and possibly tables in IA re current compliance with 2 means) " means also assist in ensure reliability to stay fishing<br>accepted definition included<br><br>The IA is to assist in cost analysis- the onus is on an owner to present his vessel in a condition and at a time that he believes will |

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| | | | the working group got/get from the current regime is the need to have surveyors who have actually worked on such boats. Fishermen need to know that the surveyor understands the problems and difficulties involved in working on these types of vessels and brings the experience of having done so to the inspection. (After all, you would not want an ear, nose and throat specialist to deal with your heart problems!)<br>**Conclusion**<br>All life is precious and no amount of money can be put on it. That is why it is difficult to be seen to be arguing with what others deem to be measures which will prevent loss of life. No fisherman goes to sea with the intention of losing his life. I can assure you that his life is far more important to him than it is to MCA. He reduces risks to as low as is reasonably practical. That is why, however good MCA's intentions are, it is essential that you do not put yet more regulations which are not wanted or needed on top of regulations which already exist. The end result may well be that the regulations have the opposite effect. That is why I support Option 2 - introduce a voluntary code covering much of what you propose but without the stability and out of water inspection components (and with an assurance that it will not be turned compulsory)..<br>Perhaps I may finish with a very personal view? So long as it is free of charge and can be easily organised, I believe an in situ inspection should be done every three years (the safety of a car, MOT, is done every year). Things wear out, things change, crews change and it is only by keeping on top of such changes that we can keep on top of safety. This, coupled with good regular training and a not too prescriptive check list, will have a far greater effect on accidents than any amount of unnecessary OTT compulsory regulations will. | satisfy the surveyor. It is not possible to cost likely scenarios where this is not the case<br><br>First inspections, both in and out of the water will remain at no charge. A revisit to either an in or out of water inspection will be charged, as is currently the case for any revisit.<br><br>The MCA already have in place a large team of Surveyors fully trained in the inspection of U15 FV's. The Surveyors are multi-disciplined, come from a variety of marine related backgrounds and are able to provide a wide range of advice and technical expertise to the Fishing Industry<br><br>As referred to in the impact assessment, the MCA has introduced voluntary codes in the past. These Codes have failed to reduce fatalities within the Industry. Whilst work to assess current compliance with the proposed requirements identified that vessels already met a mixture of the requirements, and the Code has been written with the intention of being what a responsible owner would already be doing, previous experience of voluntary Codes means MCA is of the view that only by introducing mandatory requirements will safety be improved. |
| David Fuller | MCA | 15/10/20 | There should be reference to automatic bilge pumps not being allowed in machinery spaces under marine pollution regulations. See MARPOL | Amended |
| Reggie Cummins | Private Surveyor | 16/10/20 | It is my opinion phase in period is reasonable length of time as per MCA report<br>which gives skippers/owners adequate time to prepare their vessel for the new regulations and requirements<br>From my experience majority of skippers in the past never had any objections in paying for periodical surveys / condition surveys. I believe majority of skippers would pay additional extra cost involved with new regulations without any hesitation.<br>Majority of skippers / boat owners are keen and appreciative for advice given to them to know their vessels are seaworthy and being operated in a safe condition, | A phase in period of two years is proposed |

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| | | | especially any advice given to reduce running and maintenance costs.<br>Periodical inspection may highlight deficiencies that skippers are not aware off – with short crews and foreign crew not informing skippers of day to day problems | |
| John Macleod | Individual | 18/10/20 | Why is it a requirement to have an auditable alarm on a bilge system but when boat unmanned in port it is not a requirement for a visual alert of flooding for a port authority and responsible person notification ??<br><br>Why can some vessels operated an automatic fixed fire appliance which means that whether the vessel is unoccupied ashore or at sea this will release and prevent loss however as MIN 1871 states this is not allowed so vessels now install a system that actually needs some one present to manually operate ? ....technology is available to take the person away from the hazard yet the MCA does not recognise this ....??<br><br>I don't understand why under 15 vessels that have had no mods done within the last 10 yrs. with no adverse effects keeping in mind weather restrictions on these vessels need a stability book??<br>Also who is expected to pay for this as Government are enforcing?<br><br>Also; why can a man with only 2 yrs. sea time do some courses and actually be handed a 16 and under Skippers ticket that allows him to go to sea in what can be a fairly new vessel as seen in new builds to day however this boat will be fitted with a radar to aid his navigation in restricted visibility but yet he does not need to do a radar course and has probably never seen a radar plot ....is this safe navigational awareness ?? | MCA considers it is the owners responsibility to ensure the safety of the vessel<br><br>Vessels with automatic appliances can retain it but in light of accidents recently it was decided for a previous version of this Code that manual release systems should be installed when systems are changed.<br><br>Vessels on the Register prior to the introduction of the Code will not be required to have a Stability book unless they change their method of fishing to one which they have not previously undertaken or they modify the vessel in any way as currently set out in MSN1871 Amendment 1.<br><br>The issue of navigational awareness will be forwarded to MCA Seafarer Standards branch to respond. |
| Duncan Boag | MacDuff Ship Design | 23/10/20 | We have reviewed the draft code and have some concerns which we have highlighted below. I have referenced theses against the draft code of practice (annex B)<br>**3.2.8**. – Section relates to 'significant weight'. What MCA, Owner and Naval architect consider to be significant may vary therefore we would request this has a firm definition.<br>**3.2.9.** – This makes vessels have to both utilise standard stability and stability booklet and also use the Wolfson method. This presents a lot of information to the skipper, some of which may contradict. Should the Wolfson method be used when full stability booklet is available (not required on vessels over 15m). | Significant weight seen as exceeding criteria in 3.5.4.i. The Code has clarified this.<br><br>If a Stability book is available we have amended to Code to state that Wolfson is only recommended |

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| | | | Having a naval architect review both methods will also increase costs notably above that for a stability assessment on a similar vessel over 15m<br>**3.5.3.** – 'at the discretion of the MCA' – We would advise making rules here explicit as to what is allowed and remove the statement highlighted. Where items are left to the discretion of surveyor application can vary – we request a consistent method we can rely on being approved.<br>**3.6** – We do not think the fishing methods noted in 3.6.2 – 3.6.4 are clear enough. Please make a more detailed description of each type to ensure no ambiguity (e.g. if a vessel shoots/retrieves nets over side, to trawl behind vessel which category does it class as?)**.**<br><br>**3.11.6.** – regulation states 'if so required by MCA'. We request this have a criteria, instead of being as noted above. This should help avoid uneven application of the regulation, and lets owners better plan and prepare for a proposed modification.<br>**3.11.7.** – Would this apply if an existing vessel (category A, no stability information) changed down a risk group (to category B or C)?<br>**Annex 13** – this section refers to Seafish services. Our understanding is that they are no longer providing this service?<br>**General observations from our experience:**<br>1. Most vessels under 15m do not have stability booklets (unless recent 12-15m vessels where this has been advised) and typically do not have access to any design drawings or computer models showing hull form. Therefore, if these vessels are to be assessed for stability as per the new regulations (if they have a modification as per 3.11.6 or change category as per 3.11.7) where stability booklet is required, there will be significant costs associated with 'lifting' the lines of the vessel to be able to produce stability information. Coupled with the likely remedial stability work (expensive) there will certainly be vessels where this cost uneconomical.<br><br>**2.** We have reviewed stability on a number of existing under 12m vessels. Typically at the request of: the owner where they have a concern or Shipyard undertaking a modification to ensure safety. We regularly find that these vessels are deficient of stability when assessed against the criteria for 15-24m vessels (as per criteria proposed in draft code 3.3), and have no practicable way to achieve compliance. These criteria do have a dimensional aspect (m) and therefore as vessel size is reduced these become more difficult to achieve. | Producing a Wolfson Notice can be done on line and the services of a naval architect are not required<br><br>"At the discretion of the MCA" is Standard terminology in all Codes which allows for discussion between builders/owners and MCA for unusual circumstances.<br><br>The Categories have been revised in line with this and other comments received to provide increased specificity regarding methods.<br><br>Deleted "if so required by MCA" from Code<br><br>If any existing vessel changes to any method of fishing it has not undertaken before, it will be expected to comply with the stability requirements as set out for a new vessel.<br><br>References to Seafish have been amended to Certifying Authority.<br><br>There is a limited number of vessel built after the Codes came in force of 12m to less than 15 m LOA that do not have a stability book. All vessels that have modified can unduly effect stability and they therefore need to be assessed. Costs to do this would only be only significant when modifying to undertake Cat A methods or they are a Cat A vessel undertaking modifications.<br>Until the phase in period ends there may be funding available to assist. It is the responsibility of the owner to consider the full economic costs and benefits of changing fishing methods and which methods are suitable for the vessel when making a decision, which includes the impact of any work on the vessel. It is also considered that a vessel with a Stability book may have more market value due to its ability to undertake a wider variety of fishing methods. |

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| | | | Where this has been the case we have reviewed the vessels using modelled methods such as wind rolling or using a trawl pull force, as well as a general review of the vessels GZ curve shape, down flooding angles, GMt, and freeboard, making advice to the owner and explaining the position. In many cases some ballast is added to improve the stability, but normally there is a limit to avoid unsuitably reduced freeboard.<br><br>If this code of practice comes into force, and an existing vessel less than 12m needs to have a stability booklet (if they have a modification as per 3.11.6 or change category as per 3.11.7) we believe that in many cases there will be no practicable way to achieve compliance. This will leave owners in a position where they can no longer operate the vessel they own, have difficulty selling and ultimately uneconomic to remain in the industry.<br><br>**3.** As per point 2, if the draft regulation comes into force as written we would be in a difficult position if approached to review stability on a vessel of this size. While there may be a way to make changes to the vessel to make it have better stability characteristics, there may also be no practicable way to achieve compliance with the draft rules. As making these changes would likely be considered a modification under section 3.11.6 the owner would be left in a position where they could not make their vessel safer as it would bring into force rules which there is no practicable way to achieve.<br><br>4. Vessels <12m, category A are going to be of a notably different design to current vessels of this type in order to achieve the required stability. There is the possibility that if owners do not like these options, where the compromise is likely to come at the expense of ideal fishing setup (e.g. less gear must be carried or net drums are lower in less convenient positions) there may be a premium on older vessels which do not achieve these requirements (as they do not have to), with owners not make modifications | |
| Geoff Blake | Ventnor Haven Fishery | 27/10/20 | I have owned an under 10m Cheetah Catamaran since 1995 and have fished all year round every year clocking some 50,000 hours at sea up until the present day. These lightweight vessels have been a revolution in sea keeping, fuel economy and safety, and as they are mainly driven with petrol outboard engines they are a less polluting form of fishing vessel. The Cheetah construction of scores of sealed underdeck compartments together with light weight engines make them extremely difficult to sink. This design has huge advantages over a conventional mono-hull design with a large heavy diesel engine, in its ability to stay | The issue of under deck fuel tanks is related to the Construction Standards for fishing |

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| | | | afloat after being completely swamped. This type of vessel is now found in every port and harbour around the country, mostly in the static gear sector and quite often working 30 miles offshore.<br>After having a new under 10m cheetah cat built 4 years ago under the Seafish construction regulations I wish to make the following observations.<br>1) Under deck fuel tanks.<br>Cheetah Marine developed an under deck fuel tank design for petrol over 20 years ago.<br>Their design allows complete isolation of the fuel by shutting off a valve in the unlikely event of a fire, with the tanks down in the hulls sealed from oxygen and water on 3 or 4 sides. It gives hours of burn time protection, keeping the crew safe from explosion allowing them to deal with a fire and not having to immediately abandon ship. This is a major safety advantage over the alternative above deck tank option. The second major advantage of the underdeck tanks is weight distribution. Outboard driven catamarans do not have the engine weight below deck as in an inboard installation. The engine powerheads are above the deck level. We then need to account for all the weight of catches, bait, and equipment, plus personnel; all this weight is above the deck level. Although these boats are extremely stable and perform well in stationary stability tests, overall stability should be measured when the boat is surfing at high speed with large waves on the beam, the forces of momentum then apply. Underdeck tanks usually 2x250 litres in the 10m Cheetah's get approx. 500kg below the deck and provides vital stability in rough weather conditions. The laws of physics show that at 26 knots or approx. 50kph, 500kg of fuel weight exerts a force of 6,500kg if an abrupt change of direction is encountered. It is critical to get as much weight below the waterline - the axis point - as possible. This shows the importance of getting all the weight possible below deck in order to avoid a capsize when the catamaran is put up on its side in a freak large swell. This is an occurrence that we sometimes encounter in the channel. The underdeck tanks also allow a less cluttered deck; no direct sunlight onto the tanks; built in fuel gauges giving further safety advantages; and fuel is also kept a stable temperature reducing condensation and preventing engine failure due to a build-up of water in the fuel.<br>These purpose built tanks have been in and out of the Seafish standards over the years and are, as I understand it, currently out of the standards.<br><br>2) Deck drainage and scupper size<br>Catamarans have a huge advantage over mono-hulls in the event of large quantities of water shipped on-board in rough | vessels. This issue will be taken forward for separate review by MCA.<br><br>To address the issue of water freeing the MCA proposes amending the Code to say in 2.18<br><br>*"New Vessels (2007) shall comply with the Water freeing arrangements contained in the recognised Construction Standard for Fishing Vessels applicable at the time of Construction. Existing vessels shall comply with the requirements set out in 2.18.3 to 2.18.13 below. For vessels under 12 m RL, where, due to the nature of the vessel's design this requirement cannot be met or would prove impractical in operation, alternative arrangements based on MSN1892 The Workboat Code (Edition 2 - Amendment 1) Section 6.3 or any superceding document, or MSIS 27, Chapter 2, 2.20 – 2.21 may be accepted on application to MCA. For sealed deck vessels under 7 m RL in length or which operate no more than 20 miles from shore and at all times in favourable weather, a reduction in required freeing port area may be accepted on application to MCA".* |

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| | | | weather in the fact that they do not lose stability. My experience is that in these events a catamaran will settle down in the water but stay level and do not heal on to one side as would be the case for a mono hull. Seafish regulations do not distinguish between the two vessel types. Four years ago we had a 10m Cheetah catamaran built. Seafish, despite our objections, insisted on 3% of bulwark area to be cut as scuppers. The result of this is that in even moderate sea conditions we have the deck constantly awash with water. There are so many holes in our topsides that the waves simply walk straight across the boat. As we are a static gear boat, this gives us huge problems with the ropes we need to have coiled on the deck ready for shooting are being wash around, often tangled and sometimes washed out of the scuppers and fouling our propeller. We work mainly 20 miles south of the Isle of Wight in the west bound shipping lane. Not only does having a fouled propeller hinder our manoeuvrability, but we need to hang a crew member behind the transom in order to free it. The risk to our crew and vessel is being compromised for the sake of too many scuppers that this catamaran simply doesn't need. 1% of bulwark area would be more than enough and has been tested in the past to be so.<br>We also have a 9.5m Cheetah catamaran we have owned for 21 years. This vessel has a scupper area of 2 x 225cm square. On numerous occasions we have been hit by large breaking waves mainly when we used to beach launch this boat. Even with large quantities of water on the deck amounting to several tons, this boat never healed to one side, and the water completely drained in a very short time. At no time in the 40,000 hours working in an exposed and high tidal area, have we ever thought this boat needed more scuppers.<br>The second point about cutting too many scuppers is that it cuts the bonding from the deck to the topsides, this weakens the structure of the boat. As the boat gets older, if cracks occur, the deck may leak causing the hull compartments to flood.<br>CONCLUSION<br>The MCA have recently taken over the inspection of new build fishing vessels. The MCA have passed Cheetah catamarans for passenger carrying and charter angling for up to 12 persons for years with inbuilt fuel tanks, and 2 scuppers of 225 square cm a fraction of the size required for a commercial boat. These boats have worked safely and successfully of over 20 years.<br>We are currently working on replacing our 21 year old boat. My son is now skippering this boat and I am responsible for what is built to replace it. I am not prepared to spend | |

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| | | | money on a boat that could be in service for the next 30 years if the fuel tanks have no fire protection, the boat is less stable than it could be, and they have constant excessive water on the deck to contend with.<br>The rules as they stand give the commercial fisherman a less safe boat than the same boat built for other uses!<br>Clearly for safety's sake these matters need urgently addressing. A few years ago a Cheetah catamaran built as a passenger carrying boat with built in fuel tanks, was later sold by Cheetah to a commercial fisherman. Seafish made Cheetah cap off the inbuilt tanks. I witnessed it leave Ventnor on its delivery trip to the East Coast and its new owner put lots of above deck tanks on-board. This increased the fire risk, decreased the stability and increased the risk of getting water into the fuel.<br>Before the MCA bring in more regulations, it needs to get existing ones right. The policy of a safety rule book were 1 set of rules does all vessel types is clearly not possible, regulations need to be tailor made for different vessel types. Experience in these matters exists in the boat yards and with the fishermen and cannot be learnt at school.<br>Sean Strevens of Cheetah Marine and I have for years been voicing our opposition to these regulations but to no avail. This is the perfect time to get these regulations right for under 10m outboard powered catamarans. | |
| David Galbraith | Individual | 28/10/20 | I spent much of yesterday going through this but there is just so much in it and so much documentation that I found it impossible to understand thoroughly. There seems to be a myriad of changes, many of which are technical and difficult to get to grips with. You would need weeks of research and a degree in marine engineering to be able to comment meaningfully. Whilst few would ever argue with safety improvements, I have some serious concerns that many of the 'bigger' small boats will have genuine difficulty in meeting the requirements. I also tried to think of it from my own personal perspective (rather than from the perspective of my roll on the NIFSF, and my position in Northern Coast Lobster Fishermen's Association), and I think it will take me many months of work and preparation at significant expense to stand any chance of complying. And I don't think my boat is a wreck! This is all at a time when there appears to be a thriving and growing unlicensed and unregulated fishery, with no requirements, although I suppose that is a different issue.<br>Whilst it is frustrating, I simply don't feel qualified or competent to make any meaningful comment, and very much think my contemporaries will feel the same way. I suspect there will be very little feedback from the ones who will actually be affected - the fishermen. My own inspection | The Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The MCA is providing a 2 year phase in period from the Date of Entry into force of the Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory. |

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| | | | is next due in around 3 years, so I can plan my retirement in two! | |
| Alison McNab | Law Society of Scotland | 29/10/20 | We note that the consultation states the following objectives:<br>"The objectives of the Small FV Code of Practice are twofold:<br>• to reduce the number of lives lost and the number/severity of accidents by improving safety standards on all UK fishing vessels<br>• 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."[1]<br>As referred to in the consultation, there continues to be fatalities on small fishing vessels. The practical measures proposed for improving the safety for fishermen are welcomed particularly on smaller vessels with one or two crew.<br>We consider that aligning the safety standards of fishing vessels with small commercial vessels is a worthy objective in the context of reducing the number of lives lost and the number/severity of accidents. We note however that there remains an inconsistency with commercial vessels in relation to the oversight of the adherence of skippers to the requirements of the Code. Small fishing vessels are only required to be inspected by a third party at the time of construction or 'flag in' (i.e. transferring onto the UK ship registry), and therefore once every five years unless there is a change of ownership meantime. Under the proposed revised code, there is no change to this arrangement. The skipper/owner is required to self-certify annually which may be of limited value compared to an independent, third party inspection. This differs from the position for small commercial vessels which are required to have annual inspection by third parties.<br>While we recognise that there are likely to be challenges associated with requiring annual surveys/inspections of small fishing vessels (for example, cost to the fishermen, lack of capacity within the MCA and increased regulation), if safety is the only or primary consideration, it appears difficult to justify not aligning the requirement for inspection of small fishing vessels into line with those for small commercial vessels.<br>At present, the Small Fishing Vessel Inspection Certificate becomes invalid on a change of ownership and the new owner must have the vessel inspected again. We understand that, in Scotland, the MCA has generally given a new owner a three-month grace period to obtain a new Certificate in order to maintain its registration. We consider that this is a pragmatic approach to allow business | The MCA has introduced a new inspection Out of the Water. However MCA has rewritten the Out of water inspection requirements from the version contained in the Consultation to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br><br>The Grace period in Scotland was based on the distances to be travelled from the marine offices to the most remote locations. Similar issues are not considered to arise elsewhere and it is not proposed to extent the grace period to other areas of the UK.<br><br>The MCA has also amended the requirement for Annual Self Certification to state that<br><br>*"A copy of the declaration shall be retained on board for inspection purposes. Failure to complete the annual self declaration and completion of checks could lead to enforcement action by the MCA"* |

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| | | | operations to continue immediately after a transfer of ownership while maintaining a fairly short deadline for reinspection. We note that the requirement for reinspection where there is a change of ownership remains under the proposed new Code of Practice (draft Code, paragraph 1.4.1.2). While we favour the requirement continuing, we consider that it would be appropriate in the interests of clarity and certainty to formalise the grace period commonly applied in Scotland and apply it consistently across the UK. | |
| Richard Blackhurst | Society of Consulting Marine Surveyors | 29/10/20 | Ref:<br>1.7.1 – This paragraph would only suggest that hull construction is only required, contrary to what has been advised by the MCA recently?<br>2.18.6 – This was removed in the Seafish Oct 2019 edition of the U15m Standards as this was, in some instances, being abused or interpreted incorrectly which in turn left vessels with deficient water freeing areas.<br>2.18.11 – Is this paragraph required when it is adequately covered by 2.18.4?<br>2.18.13 – Why is this paragraph required when you have 2.18.4?<br>3.12.2 – Will it be made clear that vessels operating more than one method will have to meet the stability criteria of the method considered a greater risk e.g. a vessel operating as a potter will need to hold stability info for Cat A vessels if rigged for trawling as well?<br>4.2.2 – It has been found that some flexible connections supplied by the engine manufacturers are not fire resistant and need fire rated coverings or even replaced, due to the requirement piping serving essential systems are to be ISO 7840 or an equivalent in machinery spaces.<br>4.7.3.4 – This paragraph states double pole type isolation switches, why not a single pole type as these are currently permitted for new builds? In the same paragraph it mentions automatic bilge pumps, further clarification should be provided to state that these are not permitted in machinery spaces.<br>5.5.1 – Are these lengths RL, L or LOA? Could be some confusion with what 'L' means in the construction standard to that in the CoP.<br>5.5.1.1 third bullet point – Why is not applicable to all engines regardless of whether they are in-board or out-board types?<br>5.6.2 – Clarification, would the detectors need to be audible in the engine space as per the requirement of MGN 628 11.2.14, or just an audible and visual alarm at the helm?<br>5.6.3 – In light of the wording in 5.6.1 would this mean that battery powered detectors in the engine spaces are not permitted? | Construction and Outfit information has been amended to take account of when the vessel was built and the transfer of work overseeing construction to MCA and Fishing Vessel Certifying Authorities. No Outfit Certificate is required for vessels under 7m but when a vessel under 7m is outfitted, MCA expects it to be published standards<br><br>MCA have amended the Code to combine 2.18.4 and 2.18.11<br><br>Code has been clarified to say vessels must meet the onerous stability requirement for the methods of fishing they undertake.<br><br>Vessels are now required to meet the requirements for Machinery to which they were constructed. Existing vessels not built to a construction standard shall demonstrate their arrangements are fit for purpose.<br><br>Double pole switches are and always have been recommended for all systems of 2 wire insulated circuits. 2 wire insulated systems are the preferred systems since they are considered more reliable and enable the insulation resistance measured more easily. A final sub circuit may be single pole.<br>single pole switches are acceptable on systems with one pole earthed. However this requirement now only applies to vessels bult after 2007 to that standard and if older vessels change their electrics<br><br>Vessel lengths within the Code have been checked and clarified where necessary. |

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| | | | 5.8.1 – I think that automatic fire extinguisher systems should be permitted for machinery spaces which cannot be occupied for all vessels less than 12m RL. I do not see a hazard with this arrangement, it can only increase safety should a fire go unnoticed.<br>5.8.2 – This would mean that no FV vessel with a dry exhaust can fit this type of fire suppression system as it would be impossible to make engine compartments "gastight". Expansion pieces are required at the terminating end of the exhaust at the penetration from the funnel (top hat and collar type fitting).<br>5.8.3 – As per comments in 5.8.2, I see this as an impossible request to meet "gastight".<br>6.1.4 (vi) – I would be cautious with lifelines and how its put across, my concern is around how they may seem like a good idea to prevent man-overboard but could also be an entanglement hazard, especially in deck machinery (winches, haulers, net drums etc.).<br>6.5.4 – There needs to be some guidance as to the certification of gas systems and those that are able to sign-off such a system. From enquiries it was mentioned that there is no certification available for gas-certification of LPG systems on commercial vessels, only pleasure vessels.<br>7.2.1 Table – "Means of recovering a person from the water and getting back on board (if single handed)" why if only single handed. Not sure if this is clear to its possible intention? | Bullets under 5.5.1.1 amended to remove unnecessary requirement<br><br>Replaces first sentence of 5.6.2 with MGN 628 section 11.2.14<br><br>Removed reference to accommodation so battery powered detectors can be used anywhere.<br><br>Auto systems can still discharge and endanger people even if engine box is open.<br><br>As gastight compartments might not be possible the Code does allow recommendation of other systems<br><br>The choice of lifelines and/or PFDs is to be based on the vessel risk assessment.<br><br>LPG devices fitted on commercial vessels are most likely to the same standard as pleasure vessels so Gas Safe registered engineer for leisure vessel should be able to certify.<br><br>Requirement for means of recovery amended to<br><br>*"Vessels must have a means of enabling a person in the water to get back on board the vessel, either by a permanent boarding ladder or means deployable by the crew. For single handed vessels, this means must be deployable by a person in the water."* |
| Ian Balgowan | Individual | 14/10/20 | I have found it very difficult as to where to start with a response to the supposed consultation .<br>This is not a sledge hammer to crack a nut , more a piledriver to split a pea .<br>The way MCA have used figures and percentages are very disrespectful to the under 15 mtr<br>fleet . You have chosen by your methodology , that the under 15 mtr vessels look to have the<br>worst safety record in the fishing industry .<br>Maybe if MCA had approached SFIA as I did MCA might have come to the same calculation<br>and conclusion as my self , and I aint no genius . In 2008 the ratio of under to over 15 mtr<br>vessels was 5.7 under to 1 over , only counting vessels with fishing records , going to 7.55 | The Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The MCA is providing a 2 year phase in period from the Date of Entry into force of the |

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| | | | to 1 when counting all registered vessels . In 2019 as you will , or should know , it is now<br>6.81 to 1 vessels with no records going to 8.78 to 1 counting all registered vessels . With<br>this equation of course the small boat percentage of deaths and accidents will be higher .<br>Again as you will , or should know , if the fatalities are equated per 1k vessels , it is 0.81<br>for under 15 mtr vessels to 3.55 per 1k for over 15 mtr vessels . With that in mind , it is<br>maybe the over 15mtr safety regulations needing to be tightened .<br>Accidents as you will , or should know , are a high percentage of mistakes in human<br>judgements .Make as many rules and regulations as MCA seem to want to do , until fishing<br>and fishing vessels are computerised , the frailty of the human element will always be prone<br>to mistakes in judgement .<br>Fishing must have more elements working against its wellbeing than any other industry . It<br>has tides , winds , swells ,under water obstructions and even obstacles on the surface of<br>the sea . Unless a person has worked on an under 15 mtr vessel , and not just for a few weeks ,<br>they would never have seen all that con happen no matter what regulation is in place . Keep in<br>mind , this factory is trying its best to do somersaults . A factory floor like no other . This<br>consultation document has been escalated out of all proportion to any problems there MAY be<br>Of the fishermen I have spoken with who have found the code , and of them who have<br>because of the length (98 pages) and complexity of the content they gave up . Maybe method<br>in MCA madness to be sure it is not in it entirety . How was there a need to put together such<br>a complicated document , with the time and cost , for as I see things , when studying stats<br>for under 15 mtr vessels , there seemed no need except for some to justify a job .<br>Like myself ,at 75 and still fishing ,any of the FISG sub group who may still have an interest<br>must feel very betrayed by MCA ,Having spoken to both Chris Venmore and Pam Squire by<br>phone , they were most displeased with the deceit of MCA .. Although never minuted , both<br>the first sub group chairman Ramsey Smith and then Alan Cubbin stated and promised , no | Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory.<br><br>We have also reviewed the requirements and to take into account the comments regarding additional costs, introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The use of fatalities per 100,000 is and accepted means of measurement. In using this figure it allows to equate the industry not just against land based activities but also other marine activities, which the fishing industry is consistently seen as incurring greater injuries and fatalities. In addition, the MAIB Annual Report estimated, based on information from insurers, that only 13% of all accidents in fishing were reported.<br><br>Furthermore, Incidents relating to over 15m are being dealt with the introduction of MSN1872 and MSN1873 and tighter regulation of crew, whereas vessels under 15m remain lightly regulated.<br><br>The continued loss of vessels and subsequent fatalities mean that the continued lack of regulation regarding vessel stability is unsustainable. The MCA has endeavoured to identify tests that can be conducted based on risk and to allow owners to monitor the vessels stability themselves. Guidance on the tests is provided and is not considered to be difficult to undertake. Furthermore it can be undertaken by the owner at no cost.<br><br>FISG also constitutes members from SFF, NIFF and WFA. The MCA also conducted a |

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| | | | stability or out of water surveys would be introduced at any time in the future .In hind sight<br>we should have had that statements minutes .It was always stated By eminent Navel<br>Architect Jim Evens a stability equation for under 12mtr vessels .as the code then , was nigh<br>on impossible , with at the time MCA agreement .<br>A few of the articles in the code are quite funny , even stupid , if it were not so serious .<br>Statistic = Join all 212 pages of annex B and C , A4 paper at 1 foot per page each . That is<br>equal to the length of 4 under 15 mtr vessels . A statistic I worked out for my self .<br>The make up of the 5 meetings I got minutes for , leaves a lot to be desired . With the<br>greatest of respect to the four reps from the four national bodies , who were up against<br>formidable odds in numbers , none are under 15mtr sea going .Most if not all of these<br>meeting were very one sided with the meeting of 8/1 20 made up of 16 officials , including<br>3 RINA , against 2 fishing reps . I do understand it is not MCA to fault for only 2 attending<br>The count for the 5 meetings I have minutes for was 45 to 13 . How can this be classed as<br>a fair and open debate , even legal , with no under 15 mtr working people in attendance .<br>This must be re-opened with a equal representation of under 15mtr men invited from all<br>corners of the country. If this is not done I think questions are going to be asked as to<br>why this structure of the meetings was allowed .<br>As I was writing this my Fishing News arrived in which was a letter by my self , which<br>no doubt will have been read . In FN was a most interesting letter from Cdr Alan<br>Macnaughton RNR about the Wolfson stability , which is mentioned in the code , to be<br>applied to the under 15 mtr vessels .To say it puts MCA stability into question is an<br>understatement . Hence I say again ,this code , as it is , has to be delayed until quite a<br>few items are revisited , with a different make up of the committee . If not MCA will<br>have lost credibility and respect it has .<br>Last but not least . What ever statistics and methodologies are used , it is sad ,<br>not for one but many when is hurt, killed or lost . We work in a very volatile<br>environment which cant be tamed with regulation | national roadshow in 2019 to raise awareness of the Code and the proposed consultation and invite questions. This consultation has also provided the opportunity for all fishermen to comment on the proposals.<br><br>A review on behalf of the Safety Committee of the Royal Institution of Naval Architects into the Wolfson Method concluded<br><br>*"If the proposals are implemented they will not entirely remove the possibility of capsize of fishing vessels in the future. However they could be a major element in developing a greatly*<br>*enhanced safety culture amongst the fishing community that will lead to a reduction in fatal casualties. The additional information and understanding that will be provided by the Stability Notices, and on smaller vessels by the Freeboard Mark, together with relevant training will enable fishermen to be aware of when their vessel is in a hazardous condition, or a specific activity is leading to the development of a catastrophic situation. In this way the fishermen will be enabled to take responsibility for the safe operation of their vessel."*<br>Together with the new requirements for Stability, the use of the use of the Wolfson Method is intended to not just provide evidence of the vessels stability and the effect of any changes to the vessel but also to raise awareness of stability and how activity may affect the vessel to give fishermen the information to potentially avoid capsize.<br><br>MCA has introduced voluntary codes in the past. These Codes have failed to reduce fatalities within the Industry. Whilst work to assess current compliance with the proposed requirements identified that vessels already met a mixture of the requirements, and the Code has been written with the intention of being what a responsible owner would already be doing, previous experience of voluntary Codes means MCA is of the view that only by introducing mandatory requirements will safety be improved. |

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| | | | Ian J Balgowan | |
| Will Claxton | Padstow Boatyard | 2/11/20 | Since the prime ministers announcement that after COVID-19 we should be rebuilding the country “greener” I have been working on the efficiency of the vessels below 15m in length.<br>I have been looking at the ideas of hydrogen combustion engines as well as fuel cells to power electric motors. However the biggest stumbling block is the design of the boats themselves. Due to being limited by their length the trend is to get the biggest volume into the smallest waterline lengths which obviously results in grossly beamy, and deep hulls which require a huge amount of horsepower to drive them. Our answer to the problem? Exhaust scrubbing!! While I appreciate this will help with emissions to a certain extent, it is, in my mind primitive when we compare with others, for example French fleets making the move to hydrogen as early as 2016.<br>We all know how waterline length has a dramatic effect on boat speed and efficiency. The last under 12m we built (PB40) had a beam of 5.4m and a draft of 3m. Looking at the model, if this was stretched to 13.5, even without changing anything else we would see the efficiency increase by 25%. To put it another way, the Scantlin number was 300 for that same boat. If we imagined they were Lego bricks and the boat is made up of 300 of them. If we took the same 300 bricks and made a boat longer, less beamy and less deep the result would be a far more efficient hull as she’ll push less water and have the water line length needed.<br>I understand that with the current system in place fishermen will not opt for less volume just to improve fuel efficiency, however if we could look at the hull designs and reconfigure the different classes of boat we could then look at driving these boats with advantages that include safer, more comfortable boats, greatly reduced environmental impacts and prospects of virtually free fuel.<br>In my mind, the only fishing boats currently on the water that would benefit from this kind of upgrade are some of the catamarans currently on the market, most of which are day boats. While this would be a good starting point, even if all the catamarans were converted to hydrogen the overall difference in emissions over the entire British fleet would be minimal. | The Consultation response is outwith the Code and has been forwarded to our Future Technologies team for a response. |
| Ron Graham | Whitehaven Fishermen’s Co-operative | 2/11/20 | I am mindful that the end date for responses to the Small Fishing Vessel Code of Practice closes on 8th November and fear that such responses from the industry may well be affected by the deluge of consultations taking place with Defra on quota allocation etc.<br>This consultation provides an opportunity for small vessel owners to put forward concerns and suggestions for | MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th |

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| | | | improvements for the safety of crews at sea but sometimes the cost implications are a concern at meeting the conditions but we should not lose sight of the alarming statistics that are so much in evidence regarding fatalities.<br>I am sure that individual owners are conscious of the out of water inspections re the integrity of hulls and I would like to think there would be coordination with inspectors/surveyors to attempt to arrange such inspections with more than one vessel being lifted out of the water at any given time.<br>In this way we may be able to argue a reduction in cost of the lift.<br>I believe such would assist in compliance in meeting the requirements of the Code. | anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br><br>MCA are also willing, as with in water inspections to inspect a number of vessels at the same time, if owners are able to co-ordinate this between themselves and inform MCA. |
| Gerald Statham | Individual | 2/11/20 | How can you possibly group together vessels with a tonnage of maybe one or two tons with a 15 meter vessel that could be have a tonnage of 150 maybe even 200 tons. Once again you will introduce legislation that affect the 10% of sea users who have a slight knowledge of what they are doing and have no control over the 90% of recreational users who have no idea. This probably will be another instance of bureaucracy gone mad costing the 10% loads of money while having no regulation over the 90% who you cannot control. At the rate you're going there will be no industry left as they will not be able to afford your extortionate fees. | The Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The MCA is providing a 2 year phase in period from the Date of Entry into force of the Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory.<br><br>We have reviewed the requirements and introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to<br><br>MCA will continue to not charge for the first In water and first out of water inspections. However, if it is necessary for the MCA to revisit the vessel for either reason, then fees will be charged. |

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| John Julian | Authorised Surveyor | 2/11/20 | I haven't had time to go through it all in detail but I have noticed a couple of points.<br>1) Deck Vessel and Open Boat Definitions<br>The addition of the positive freeboard definition brings the Decked Vessel and Open Boat definitions into line with MGN 280 which is good news. It means that a lot of small boats (main less then 7m) which have a small but positive freeboard to deck will no longer qualify as Decked Vessels and will not have to fit potentially dangerous freeing ports.<br>It is not specifically stated but I assume that a vessel with a sealed deck that does not meet the freeboard requirements can be treated as an open boat provided it does not have freeing ports.<br>2) Appendix 7 – paragraph about Cockpits and Cabin Soles<br>What is the purpose of this paragraph? E.g.<br>An internal hull moulding built to create a cockpit or cabin sole is not considered a watertight weather deck unless :-<br>• The space below the sole is permanently protected from water ingress<br>(watertight hatches are ok)<br>• The space is used for either accommodation, shelter of people , stowage<br>or permanent buoyancy<br>It is not clear why this extra stipulation is required. If the cabin sole is not watertight then it fails the definition of a watertight weather deck.<br>Possibly it refers to a sole with drains?<br>The only exception to the space use requirement I can think of is a non-watertight void which will not contribute buoyancy.<br>3) Closable Drains in Open Boats<br>A lot of small boats with low freeboard to deck have closable drains such as elephant trunks or floating ball scuppers which are quite effective at clearing water from the deck especially when they can get on the plane.<br>MCA surveyor told me about a "Harbour Drain" definition which he saw it in a preliminary draft of a new COP which he had in January. I have not come across it otherwise but there is the following in the new COP.<br>"2.17.4 Open boats with a sole and which are fitted with a small limber<br>hole shall have the limber hole replaced with a proprietary drain fitted with a screw plug which is permanently attached. The drain shall be plugged in operation but may be opened when out of service to protect the vessel.<br>The hole shall be 25mm diameter at the most."<br>I assume that this is a drain to the sea from the sole but at 25mm and with a screw plug it is not going to cover elephant trunks. | The MCA have also introduced a minimum freeboard of 200mm below which a vessel is now to be considered an Open Boat to address the issue of freeing ports on these vessels.<br><br>Annex 7 is worded to prevent any work arounds on this issue.<br><br>**Small craft — Watertight cockpits and quick-draining cockpits BS EN ISO 11812 to guide the Code.**<br><br>This Standard, and MGN628 or its predecessor Seafish Construction Standards do not allow for Elephant Trunks<br><br>Check against MGN628 - amended but with relaxation for vessels built before.<br><br>To address the issue of water freeing the MCA proposes amending the Code to say in 2.18<br><br>*"New Vessels (2007) shall comply with the Water freeing arrangements contained in the recognised Construction Standard for Fishing Vessels applicable at the time of Construction. Existing vessels shall comply with the requirements set out in 2.18.3 to 2.18.13 below. For vessels under 12 m RL, where, due to the nature of the vessel's design this requirement cannot be met or would prove impractical in operation, alternative arrangements based on MSN1892 The Workboat Code (Edition 2 - Amendment 1) Section 6.3 or any superceding document, or MSIS 27, Chapter 2, 2.20 – 2.21 may be accepted on application to MCA. For sealed deck vessels under 7 m RL in length or which operate no more than 20 miles from shore and at all times in favourable weather, a reduction in required freeing port area may be accepted on application to MCA".* |

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| | | | Will elephant trunks and similar arrangements not be allowed in an open boat?<br>4) Freeing Port Area<br>The COP 2.18.2 states that the freeing port area is not to be less than 3% of the bulwark area whilst in MGN628 3.10.6 mono hulls with L/B>2.5 require 4%.<br>5) Deck Vessels – Water Freeing Arrangements<br>The new COP has the following paragraph :-<br>2.18.6 Where deck erections within a well limit the volume of water that<br>may be retained on board, then the freeing port area may be reduced proportionally provided that such erections do not in themselves contribute to water retention.<br>This is not in MGN 628 so we are going to get builders to cut large holes in the sides then the MCA will come along and say that it was not necessary!<br>6) Annex 6 – Offset Load Test<br>It is not specifically stated but I assume the Offset Load Test can be applied to Open Boats and the 75mm freeboard to deck requirement will not apply (as in the heel test for open boats in MGN 280). | Regarding Deck Erections limiting the volume of water, MCA will take this forward as part of the first review of MGN628 in 2021.<br><br>The Code Stability requirements have been amended. Vessels looking to operate Category B type fishing can if Open Vessels, as well as undertake full Stability also comply with;<br><br>• a positive clear height at side as required by Annex 4, an Offset load Test and, if Single Hull, a Roll Test.<br><br>If the vessel is looking to undertake Category C fishing, as well as the requirements above, it can also comply with;<br><br>• if less than 6m LOA, be constructed in compliance with ISO 12217-3 and a Roll Test; or<br><br>• If 6m LOA to less than 12m RL, be constructed in accordance with ISO 12217-1 and a Roll Test. |
| John Julian | Authorised Surveyor | 6/11/20 | COP 2.4.1 Bulkheads<br>Bulkheads if fitted are required to be watertight and not breached.<br>Where the vessel was constructed to standards that did not require watertight construction – they may be maintained at the discretion of the MCA.<br>MGN 628 – Only requires up to 3 watertight bulkheads depending on length.<br>Lots of boats meet this requirement but have additional bulkheads which are not watertight so in theory the MCA will need to approve all non-watertight bulkheads.<br>COP 2.15.2 Inlets and Discharges<br>Use of flexible hose must be minimised and consideration given to installing<br>permanent piping wherever possible.<br>MGN 628 allows flexible hose to be used for most systems e.g.<br>MGN 628 allows flexible hose to be used for most systems e.g.<br>9.1.2 All flexible seawater inlet piping hose within the engine space to be of a fire resistant standard or alternatively marine exhaust hose. | Code amended so that existing vessels only need to approve those up to minimum<br><br>Code on Inlets and Discharges amended to say<br><br>*"Use of flexible hoses must be restricted to vibration isolation and consideration given to installing permanent piping wherever possible"*<br><br>The Code also requires that where the vessel was built to a standard it must maintain that standard. The issue of flexible pipes and discharges will also be considered at the first review of MGN628 in 2021.<br><br>AFFF or Dry Powder systems may be acceptable at the discretion of the MCA, but will be considered on an individual basis taking into account MCA instructions to surveyors and with the agreement of MCA consultant surveyors. |

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| | | | COP 2.15.4 toilet drain discharges should be fitted with a non-return valve MGN 628 3.8.3 toilet discharges specifically do not need a non-return valve<br>COP 5.8 - Fixed Fire Extinguishers<br>The section on fixed fire extinguishers seems contradictor and unclear.<br>5.8.1 states that "vessels built after 17th October 2017 are not permitted to have an automatic discharge system and existing vessels are not permitted to install one."<br>5.8.2 States that that an Automatic inert gas aerosol system could be acceptable provided it makes the compartment gas tight before the release of the agent. This contradicts 5.8.1.<br>5.8.2 also states that AFFF or Dry Powder systems may be acceptable at the discretion of the MCA. This seems to imply that the requirement for the compartment to be made gas tight before release may not be necessary for these extinguishers.<br>Fishermen and boat builders want to install automatic extinguishers in small engine compartments because they are significantly cheaper that the manual release type and in my experience they are generally accepted by the MCA. | |
| Archer Ginn | Individual | 3/11/20 | The requirement to maintain Health & Safety Risk Assessments as noted in 5.1 already exists.<br>The MCA would be well advised to prioritise the insistence on crew training and qualifications to ensure vessels do not put to sea with inexperienced people at all levels, this training has to be properly funded without further financial burden on owners and in long term would be cost beneficial. | MCA current check for crew qualifications during surveys and inspections. Vessels are also required to conduct successful drills before they are given their certification. It is the responsibility of fishermen to fund their own mandatory training. The MCA has provided £250,000 a year since 2013 to allow Seafish to secure match funding to fund voluntary training |
| *Cdr. Alan R.Macnaughton RNR ( Retd. ), RD**, C.Eng. FRINA* | Individual | 6/11/20 | **CONSULTATION ON FISHING VESSELS SAFETY CODE, TO 8TH NOV 20**<br>***(The following comments offered refer mainly to the parts of the draft Code with respect to stability and freeboard )***<br><br>***Chapter 2***<br>*2.8 Flush Hatches and scuttles should be discouraged as they have featured too often in flooding and personal accidents.*<br><br>***Chapter 3***<br>*3.3.1 a ) Here and at para 10 Annex 4 it is noted that this refers to "Intact" operating conditions. But the question which also needs to be addressed is the guidance required when the vessel does not conform to the assumptions of ' Intact ' as defined* ***in*** *the stated stability criteria .* | MCA has removed reference to flush hatches for new vessels and has introduced a requirement for watertight arrangements.<br><br>The requirements in 3.3.1 and associated Annexes and MGN281 are laid out in regulations for larger vessels and have been accepted as suitable. It is considered that the use of long standing stability criteria for smaller vessels undertaking Category A work addresses the risk to these vessels.<br><br>Skippers are expected to be aware of their margins before proceeding to sea and operate their vessel accordingly.<br><br>The Code sets out possible restrictions based on Stability and range of communications and these are therefore risk based limits. Any |

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| | | | *b ) A real intermediate operating situation during the period from Arrival to Departure from Grounds is that the main fish hatch is often open the loading of catch can be taking place with a suspended full cod end. This means that while the fish hatch is hypothetically capable of being closed weathertight this in practice is not actually so. Because of the suspended cod end is being raised from the waterline the GM is reduced and therefore not of the same value as in a standard*<br>*" Intact " assessed loading condition. The suspended dynamic load effect might well be regarded as similar to that of a virtual free surface liquid. The makings of a casualty, q.e.d. And this operational time is when most casualties occur ?*<br><br>*c ) In view of the observations at sub-paras a ) and b) above it is proposed that a Worst Operating Condition be added which reflects more accurately the true risks when a vessel is not literally " Intact ' as referred to in para 3.2.4 . For example within the information at ANNEX 4 para 10 ( c ) where the angle of ' non -Intact ' flooding via the main hatch should be illustrated.*<br>*3.10 It is implicit that the freeboards referred to are to be complied with. By what means therefore is this to be ensured in the absence of marks?*<br>*( NB Marks will not be visible at sea. A fishing vessel returning to fresh water river fed harbour presents self evident problems. ) The necessity is to know the freeboard at sea? ( A simple monitoring sensor as has been proposed to MCA?)*<br>*3.11.4 Open vessels proceeding directly from a coastline up to 20 nautical miles will often be out of sight of land or invisible from coast watch stations even in clear weather. They should stay within sight of land as far practicable and within ready reach of a safe haven.*<br><br>*3.11.5 Decked vessels of less than 300 mm freeboard are not at lesser risk by being within 20 miles from land. The worst seas more often occur close to land and headlands where tides against increased wind*<br>*velocities occur. Overfalls also create dangerous turbulence more of a hazard than waves further out at sea. Portland Bill is one of many examples. Similarly those ports with entrance bars often suffer heavy*<br>*breaking seas. There is therefore no justification for further reduced freeboards and this proposed rule requires deletion.*<br>*ANNEX 4* | vessel will suffer risk and the lower the freeboard the greater the risk may be. As it would take longer to effect a rescue at greater distance, the limitations have been introduced.<br>A review on behalf of the Safety Committee of the Royal Institution of Naval Architects into the Wolfson Method concluded<br><br>*"If the proposals are implemented they will not entirely remove the possibility of capsize of fishing vessels in the future. However they could be a major element in developing a greatly*<br>*enhanced safety culture amongst the fishing community that will lead to a reduction in fatal casualties. The additional information and understanding that will be provided by the Stability Notices, and on smaller vessels by the Freeboard Mark, together with relevant training will enable fishermen to be aware of when their vessel is in a hazardous condition, or a specific activity is leading to the development of a catastrophic situation. In this way the fishermen will be enabled to take responsibility for the safe operation of their vessel."*<br>Together with the new requirements for Stability, the use of the use of the Wolfson Method is intended to not just provide evidence of the vessels stability and the effect of any changes to the vessel but also to raise awareness of stability and how activity may affect the vessel to give fishermen the information to potentially avoid capsize. |

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| | | | *para 13 The ' maximum permissible deadweight ' supplementary method would be best replaced by maximum KG values ( corrected for free surface ) as the figures are smaller and much easier to envisage and recall. KG max graphs reflecting differing displacements or draughts at varying trims are more readily appreciated. Merchant ships use the same. Sample KG's, on Max KG graphs of the illustrated loading conditions, can show instantly what margins exist in varying trim conditions. ( A vessel's geometry is fixed; the weight and its centroid are the only changeable variables ).*<br><br>*ANNEX 8* ***The Wolfson Stability Guidance Method Discussion*** *It should be understood that the Wolfson Unit's past research into the effects of wind on the stability of sailing vessels ( re SV Marques casualty ) and on the survival of HSCs as engaged by the Department of Transport continues to be respected. The intention here is to make cogent sensible points not to score by them.. In this case however fundamental doubts arise because of poor choices, short cuts, simplifications and unproven assumptions as adopted at its commencement. This is not to say this significant effort was undertaken with other than the best of intentions and motives; or without due expertise being addressed to the acquired statistical data. That the marks are Incapable of practical use or readability in sea going circumstances which Wolfson themselves admit reflects a failure to envisage where this expensive exercise would lead. The criticisms stem first from its origins and finally at its flawed outcome. para 10- First It is not correct to infer that Wolfson and merchant ship loadline marks are the same and used only for reference. The former are not mandatory and cannot be read when heeled at sea whereas the latter must be conformed with and obeyed as a matter of both national and International law before proceeding to sea. It is wholly misleading to draw similarities when their purposes are distinctly different.. The Wolfson marks refer mainly to only a heeled condition which makes them virtually useless to refer to at sea no matter the supposed science they are founded upon. They invite risks to be taken perhaps in the dark with crew members attempting to lean dangerously over a vessel's side to read them with the vessel heeled to a load in a seaway. This reflects that this laborious academic concept was pursued unaware of crew health and safety aspects per the* | |

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| | | | *Merchant Shipping and Fishing Vessels ( Health and Safety Regulations at Work )*<br>*Regulations 1997. The latter should not be ignored or the guidance prudently given in the Fishing Vessel Stability Guidance booklet at pages 20 to 22 and diagrams 15 and 16.*<br>*APPLICATION*<br>*It remains a matter of incredibility that apparently so few professionals understand the assumptions of the Wolfson research; or who may have not have read the Summary Report or specifically its Full Report.*<br>*A detailed study was made dated 2014 submitted to MCA , but without entering into that some obvious facts throw Wolfson into serious doubt.*<br>*a ) The first fact is that the tank test models were not fishing vessels but HSC ( High Speed Craft ).*<br>*b) From a) it should be clear to any competent naval architect that the characteristics of intact HSC's are wholly different from a monohull fishing vessel in terms of overall design, hull form, displacement mass,*<br>*radius of gyration, freeboard, deck flooding, or potential movement of catch cargo at high angles of heel. ( the analogy is to compare a speed boat with a freight barge ). The hypothesis that all vessel forms behave in the same manner is an unproven assertion and unlikely to be correct when more carefully examined.*<br>*c ) The intact HSC models were subjected to theoretical artificial smooth crested tank created waves and not simulated breaking sea waves. The difference of effects are too glibly disregarded but admittedly difficult to reproduce along with for example wind against and tide. This means that if a simplified form of testing is adopted the application of compensating safety factors must be founded on the best basic data. This was not so with Wolfson's omission of a fundamental and important aspect which escaped attention.*<br>***d ) Despite Wolfson supposing to be about " lifting loads " in sea conditions no lift modelling was conducted nor the effects of suspended dynamic loads in wave conditions.(*** *Reference to*<br>*the offshore industries' studies of Dynamic Amplification Factors ( DAF ) when lifting loads in open sea evidently were not consulted although the effects on test data results must be obvious.)*<br>*e) Assumptions and claims of equivalence made in reference to IMO A.168 Standards are incorrect. It is very unlikely that the relevant IMO LL SLF Sub -committee would recognise this.*<br>*f ) The Red, Orange, and Green tables so called 'Traffic lights ' give confusingly dangerous advice for vessels with* | |

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| | | | *stability data.. This is an imaginary academic approach which reveals an appalling misunderstanding of lifting problems at sea and probably not drafted by anyone who has ever had to do deal with such..*<br>*g) The diagrams of Wolfson marks on inspection are incorrectly depicted*<br>*h) No report of full scale trials appear to have been promulgated.*<br>*i ) The figures for heeled freeboard in sea states are a delusion of specious academic accuracy. How is a skipper able to read what the freeboard is in a seaway, at night? Beaufort scale conditions would have been far more understandable to seamen.*<br>*j ) Where is Appendix 2 ?*<br>*The most telling feature of MCA's persistence in promoting the Wolfson guidance is the fact that the fishing industry apparently has not taken it up.*<br>*Extensive seaborne visits around the UK coastline have not revealed any vessels so marked. Over more than a decade this must be for the simple practical reason that f*ishermen *place no value in it for their safety ? Imposing it on them appears to be quite wrong..*<br>*It is time to let this legacy guidance failure wither away despite the very large amount of effort and research funds spent on it; or to revisit it in a new improved research effort using fishing vessel models. If the guidance on the effects of lifting are considered necessary then lifting scenes require to be modelled with appropriate rigour. The output should aim at measured relatable* ***limiting angles of heel*** *at SWL's not unreadable freeboards.* | |
| Ian Kelly | Northern Ireland Fishermen's Federation | 11/5/20 | 1.4.13 What is meant by out of water inspection – does this require slipping or can a vessel be dried/beached<br>2.4.2 Fitting a watertight bulkhead can be quite difficult and expensive to existing vessels and this may lead them putting of replacing engines which could lead to more breakdowns<br>2.7.1 Any vessel working a flush hatch is likely to have it covered with rubber matting so a sign is unlikely to be seen & if they don't work matting the sign will be wore away with the gear.<br>3.6.3 I think Scotch poles should be removed as most vessel using scotch poles will either be a scalloper or a stern trawler/scalloper and they are in 3.62<br>3.11.3 It would be helpful if a template to record Roll Test was drawn up that the information required for comparing result is readily available and recorded in the correct manner<br>3.11.5 This could impact on vessel current fishing pattern, what is meant by favourable weather conditions, no 2 | A vessel can be seen out of the water on a beach provided enough of the hull can be inspected<br><br>If a bulkhead is removed then in accordance with the standards in place at the time of the work, the bulkhead will need to be watertight<br><br>It is presumed that the sign would be seen if matting was lifted and it is the owners responsibility to ensure any worn signage is replaced.<br><br>Reference to Scotch poles has been retained but incorporated within a new reference "Beam Trawl – using outrigger for towing and lifts with Scotch Poles and Gilson Winch" |

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| | | | people will class weather conditions the same and therefore extremely difficult to enforce<br>4.3.1 It would be helpful to give clarification on what is meant by second means of starting<br>4.4.2 Does this apply to all vessels or just new vessels or vessels fitting a replacement engine?<br>4.7 Electrical Installations – this section is very technical and difficult to follow and I can't to see how most small vessels could comply and it is not easy to tell what sections is for new vessels and what is for existing vessels<br>5.4.1 Does the annual test apply to existing equipment or when equipment has been replaced – if all equipment this required is more than what is in the over 15m codes – but a sensible requirement<br>6.8.3 Who determines a competent person? – this will be difficult to enforce<br>10.2.21 Says a mess is not to be forward of collision bulkhead – I may has missed it but I don't see the same requirement for sleeping accommodation? | MCA will include a template for Roll, Heel and Offset Load tests in Code.<br>The standard definition of favourable weather, used in other commercial Codes has been included.<br>4.4.2 applies to all vessels if they fit a new engine.<br><br>The Code now clarifies that the requirements for electrics apply when a vessel upgrades its electrics.<br><br>Annual servicing applies to all vessels.<br><br>The requirements for a competent person is set out in LOLER Regulations<br><br>Code amended to add sleeping accommodation in 10.2.21 and to be consistent with Construction standards. |
| Sean Friday | Marine Accident Investigation Branch | 6/11/20 | **Section 1.2 - Application**<br>The phase in option B, based on operational risk is better than simply being based on length (option A) but as a whole the Category C not being phased in for 5 years appears excessively slow. It is suggested, Cat A up to 2 years, Cat B up to 3 years and Cat C up to 4 years at the very least.<br>**Section 1.5 – Annual self-certification declaration**.<br>It is well recognised that compliance with the annual self-certification declaration is poor which in some cases leads to poor compliance with the Code itself. There is an opportunity with this edition of the Code to require owners to submit a copy of the completed and signed declaration to the MCA. Of further use would be for the stability check to be completed annually (instead of at certificate renewal) and included in with the annual self-certification to be submitted to MCA.<br>**Section 1.6.1 - Vessel Modifications and Change of Mode of Fishing**<br>Add 'replace' to, '..remove, <u>replace</u> or reposition engines or machinery…' to make it clear that replacing engines has to be notified given replacements are often lighter.<br>**Section 2.7.1 - Hatches and Coamings**<br>'Flush deck hatches are not recommended unless necessary…' The phrase 'unless necessary' is not needed here. If there is a valid operational reason, the surveyor should have to approve flush deck scuttles on a case by case basis.<br>**Section 3.1.2 - Stability and Freeboard – All vessels** | It has been decided to opt for a single phase in period of 2 years for all vessels<br><br>To require every vessel to submit its annual self certification to the MCA every year requires a resource commitment to follow up on those not submitted.<br>The MCA amended the requirement for Annual Self Certification to state that<br><br>*"A copy of the declaration shall be retained on board for inspection purposes. Failure to complete the annual self declaration and completion of checks could lead to enforcement action by the MCA"*<br><br>MCA have amended 1.6.1<br><br>MCA has removed reference to flush hatches for new vessels and has introduced a requirement for watertight arrangements<br><br>Sections 3.1.2 and 3.2.4 have been amended. |

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| | | | 'All vessels are required to maintain a record of stability tests,' Add to the sentence 'which must be readily available for viewing at inspections and surveys.' Preferable would be for stability tests to be completed annually and submitted to MCA with annual self-certification.<br>**Section 3.2.4 – Stability of all fishing vessels of 12 metres (L) to less than 15 metres (LOA) built, or joining the register after 23 October 2017**<br>'All vessels shall be sufficiently stable…'. 'Sufficiently stable' should say 'satisfy the required stability criteria' as sufficiently stable is meaningless.<br>**Section 3.7.2 - Stability of Category A New Vessels (2020) of less than 12m (L)**<br>Despite not being mandated there is benefit in affixing the Wolfson Mark to the vessel's hull. Therefore, this should be strongly recommended. Replace the second sentence with, 'The fitting of the Wolfson Mark is strongly recommended'.<br>**Section 3.8.3 - Stability of Category B New Vessels (2020) of less than 12m and 3.9.2 - Stability of Category C New Vessels (2020) of less than 12m**<br>Both sections include the sentence,' It is not necessary for the mark to be placed on the vessel', when referring to the Wolfson Method. To be consistent, in common with section 3.7.2, this sentence should be replaced with, 'The fitting of the Wolfson Mark is strongly recommended'.<br>**Section 3.9.3 - Stability of Category C New Vessels (2020) of less than 12m (L) or wishing to join the Register on or after the date of entry into force of this Code.**<br>The last section referred in this section '3.8.1' should be '3.8.1.2 & 3.8.4'<br>**Section 3.10.4 - Freeboard for New Vessels (2020) or vessels wishing to join the Register after [Date of Entry into force of the Code].**<br>This section on freeboard contradicts section 3.10.3 where it states deck vessels are to have a minimum freeboard of 300mm. Section 3.10.4 should be removed as no new decked vessel should have a freeboard less than 300mm. Section 3.11 covers existing vessels which may have less than 300mm freeboard.<br>**Section 3.10.5 - Freeboard for New Vessels (2020) or vessels wishing to join the Register after [Date of Entry into force of the Code].**<br>This section to be consistent should also state, 'The fitting of the Wolfson Mark is recommended'.<br>**Section 3.11.2 - Existing Vessels of less than 15m LOA.**<br>Replace, 'It is recommended that the Freeboard Mark is displayed' with, 'The fitting of the Wolfson Mark is recommended', to be consistent. | The Code will recommend that the Wolfson mark is affixed.<br><br>The MCA have also amended the requirement so Decked vessels with freeboard less than 300 mm are to be limited in their area of operation to 20 miles from a safe haven and in favourable weather conditions. The minimum freeboard should be at least 200mm below which a vessel is now to be considered an Open Boat to address the issue of freeing ports on these vessels.<br><br>Records of tests will now be required and shall be presented for inspection<br><br>The MS(FV) Health and Safety Regulations cover Risk assessment. Only Man Overboard risk assessments need to be written, as stated in the Code.<br><br>The Code has been amended to state:<br><br>*The health and safety risk assessment must also be reviewed regularly, (at least annually) to ensure that it remains appropriate to the vessel's fishing method and operation and amended if ncessary. If there has been a change of fishing method or of operational practice, or an injury or incident, the assessment must also be reviewed accordingly*<br><br>The following has been added to the section on Refrigerant plant.<br><br>4.6.6 *Persons charging or repairing refrigeration plants should fully understand the precautions to be observed when handling the refrigerant and appropriate personal protective equipment (PPE) should be worn when undertaking any task involving the handling of chemicals. Adequate information should be available on each vessel, laying down the operation and maintenance safeguards of the refrigeration plant, the particular properties of the refrigerant and the precautions for its safe handling.* |

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| | | | **Section 3.9.6 Stability of Category C New Vessels (2020) of less than 12m - and section 3.11.3 - Existing Vessels of less than 15m LOA.**<br>Add a sentence at the end of each of these sections clarify, 'All vessels are required to maintain a record of stability tests, which must be readily available to viewing at inspections and surveys.'<br>**Section 6.2 - Risk Assessment**<br>There is no mention that risk assessments should be recorded be it written or online. It is inferred but not explicit. This should be stated more clearly in this section.<br>**Section 6.2.4 - Risk Assessment**<br>'.. the assessment must be reviewed according'. This should state 'the assessments must be reviewed and amended accordingly.' This section should also state that risk assessments should be reviewed if there is an injury or incident as a result of exposure to a hazard.<br>**Section 4.6 - Refrigerating Plant**<br>4.6.3 '*examined at regular intervals'*. This is open to interpretation and does not require examination and certification by a competent person.<br>**Section 4.9 – Bilge Pumping Systems**<br>The Code should require decked vessels to have a bilge suction in each watertight compartment.<br>**Section 9.6 - Electronic Aids to Navigation**<br>This section references MGN 379 which was published in 2008 and does not recognise that many small fishing vessels now use ECS exclusively for coastal navigation and rarely consult paper charts. Often the chart information and software on board is out of date which compromises the safety of the vessel and crew. Although an updated MGN would be useful, the Code would benefit from stronger guidance. | *4.6.9 You must have qualifications to: install new systems, service and maintain systems, check for leaks, recover gases, decommission and dispose of old systems*<br><br>The Code has been amended to state vessels shall have bilge systems required by the Construction Standards at the time of build.<br><br>The Code has added a section on navigation to say:<br><br>*.7.1 Vessels must either carry a set of Admiralty charts to cover all areas of operation, with corrections or meet:*<br><br>• *MGN293 Alternative Arrangements for Meeting Paper Chart Carriage Requirements on MCA Code Vessels under 24 metres in Length and Fishing Vessels under 24 metres in Length or any superseding document.; or*<br><br>• *MGN319 Acceptance of Electronic Chart Plotting Systems for Fishing Vessels Under 24 metres and Small Vessels in Commercial Use (Code Boats) Up To 24 Metres Load Line Length or any superseding document*. |
| Beshlie Pool | South Devon and Channel Shell Fishermen Asscociation | 6/11/20 | Thank you for the opportunity to respond to the revised code of practice for the safety of fishing vessels of less than 15m overall length on behalf of our membership of commercial fishermen. The avalanche of highly complex, short time frame consultations at this difficult time, combined with the lack of opportunity for the wider industries to discuss the detail necessarily means that the responses will be less comprehensive than we would usually like.<br>Our comments:<br>-The nature of the consultation document itself is inappropriate for the sector from which MCA seeks feedback. It would be useful for the MCA to in future consider more appropriate communication methods which do not alienate the desired audience through use of | The comments regarding the consultation document are acknowledged. However the MCA is required to consult using a particular format. The MCA did however, to recognise the need to communicate with the industry, conduct a national roadshow to raise awareness of the consultation prior to it taking place.<br><br>Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 |

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| | | | multiple complex documents, overly complex technical language, and a digital by default consultation method.<br>- We know that in regulation, one size does not fit all and therefore we are generally concerned about the approach from MCA.<br>-It should be explicitly noted that commercial fishermen are by and large, professional operators who would not take risks with their own safety. These proposals seem to assume a level of indifference to personal risk, which is inappropriate in the extreme and frankly insulting to many. The MCA does not, for example, need to prescribe that 'heavy items should be securely fastened to prevent movement.' No amount of regulation will solve issues with 'bad apples'.<br>- Aspects of the framing of the consultation impact assessment are inappropriate. It is not, for example, appropriate to compare commercial fishing with agriculture, or construction as if they are similar- they are not.<br>-There appears to have been no consideration given to the behavioural changes that will lead to safety improvements as a result of the requirements of ILO188 to complete risk assessments and so on. We suggest that the smaller scale sector is already in a period of learning and change and that therefore additional regulation at this time is inappropriate<br>-It must also be noted that any suggestion of increased costs to commercial vessels at this time is inappropriate in the extreme. UK fishing, particularly the smaller scale sector, is struggling with the crash in markets as a result of Covid19 and is facing significant uncertainty associated with EU exit. Any suggestion of increased costs at this time is perceived insensitive at the very least.<br>- We may agree with the broad principles of the proposals in general terms, however, here are significant concerns over the practical application of such.<br>- At this time, we have a strong preference for option 2, that being to issue codes as a voluntary marine guidance notice with an emphasis on training and education. In general, it is our opinion that safety performance within the commercial fishing industries could be vastly improved with further provision of formalised training.<br>Specific concerns:<br>Inspection- although we understand the rationale behind a desire to inspect a vessel out of the water every five years, we are concerned that this may lead to an overly prescriptive approach. Smaller scale vessels often have no access to yards, or hoists – will a drying vessel on a beach be adequate? Smaller scale vessels often go into refit at short notice, choosing instead to maximise fishing opportunity in line with weather and tidal conditions. Will the | vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to. This is expected to significantly reduce costs for many of the vessels on the Register. In addition Roll, Heel and Off set load tests can be undertaken by owners or skippers.<br><br>In addition, the Code has been developed with a view to the new requirements being what a responsible owner would undertake. Whilst some elements may appear simplistic, these are items that appear in the Codes of Practice for other vessels, including larger fishing vessels, and incidents have occurred because these have not been undertaken. Inclusion in the Codes allows for these to be checked and if necessary poor operation identified.<br><br>The use of fatalities per 100,000 is and accepted means of measurement. In using this figure it allows to equate the industry not just against land based activities but also other marine activities, which the fishing industry is consistently seen as incurring greater injuries and fatalities. In addition, the MAIB Annual Report estimated, based on information from insurers, that only 13% of all accidents in fishing were reported.<br><br>Whilst it is recognised that the introduction of ILO188 represents a major change for the industry, many of the incidents in the Industry relate to factors which would not be affected by ILO188. To address these incidents which continue to occur, it is considered that regulation is now necessary.<br><br>As referred to in the impact assessment, the MCA has introduced voluntary codes in the past. These Codes have failed to reduce fatalities within the Industry. Whilst work to assess current compliance with the proposed requirements identified that vessels already |

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| | | | MCA officers be prepared to be available at short notice in future, at evenings and weekends, at a time suitable for the commercial operator?<br>Stability – a notoriously difficult issue within such a diverse fleet of "vessels of 15m and under" – we agree with those who suggest that a stability test for such a diverse fleet is extremely difficult to design and the costs associated with application may be too much for some to bear. This may potentially increase risks associated with needing to 'fish harder' to secure the additional finance.<br>Costs – It should be noted that <15m vessels are considered to have less financial resilience than the larger scale and therefore the cost implications will be felt keenly by the majority and particularly at this time, but also very generally will have the potential to drive small scale operators out of business.<br>To conclude, we repeat that in the absence of additional consultation in more innovative ways, we have a preference for non regulatory measures at this time. | met a mixture of the requirements, and the Code has been written with the intention of being what a responsible owner would already be doing, previous experience of voluntary Codes means MCA is of the view that only by introducing mandatory requirements will safety be improved.<br><br>MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br><br>A vessel can be seen out of the water on a beach provided enough of the hull can be inspected.<br><br>The continued loss of vessels and subsequent fatalities mean that the continued lack of regulation regarding vessel stability is unsustainable. The MCA has endeavoured to identify tests that can be conducted based on risk and to allow owners to monitor the vessels stability themselves. Guidance on the tests is provided and is not considered to be difficult to undertake. Furthermore it can be undertaken by the owner at no cost |
| Malcolm Maclean | MCA Surveyor | 6/11/20 | 1.7.3 - It would be helpful to add a similar recommendation on modifications to an existing vessel.<br>2.3.1 – Watertight or weathertight?<br>***2.5 – Bulkhead penetrations for cable / pipework / shafting etc. should maintain the integrity of the bulkhead.***<br>***2.12.4 - It would seem sensible to include a reference to require ER vents which need to be kept open at sea to allow machinery to run to be considered as down flooding points for stability calculations irrespective of whether weathertight closures are fitted or not – this will align with current requirements for larger vessels.***<br>***2.18.5 – Intended freeing port locations and dimensions should be indicated on the construction drawings submitted for approval. Freeing port locations should*** | The Code requires vessels modifying to comply with current construction standard<br><br>Watertight/watertight references have been checked<br>Sections 2.5 and 2.12.4 amended<br>2.18.5 covered by Construction Standards<br><br>3.2.8 amended as suggested<br><br>add in as new para and amend heading in 3.3.1.1 b (maybe cross reference this in 2.12.5) |

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| | | | ***take into account dynamic trim effects when the vessel is underway.***<br>2.18.12 – Watertight or weathertight?<br>3.2.8 '…advice shall be sought from MCA…' Is this correct? I agree that MCA should be informed where changes are proposed or carried out, but I would expect that the responsibility for assessing the effect of changes lies with the owner who would be advised to discuss this with a competent Naval Architect. Paragraph 1.6.1 of the Code is perhaps clearer on this.<br>***3.3 We need to be mindful when assessing non-dimensional stability criteria on smaller vessels that the vessel may appear to comply with criteria requirements but, in reality, the margins on stability may be small due to the small size / mass of the vessel.***<br>3.3 Structures assumed to contribute to the vessel's buoyancy will need to meet construction requirements applicable to an enclosed superstructure.<br>3.4 In my view we either apply this to all vessels (monohull and multihull) or not at all. The Small Commercial Vessel Code would require that damage stability is assessed for any vessel operating in the relevant Area Category. If anything, catamarans have addition protection from damage due to the duplication of machinery and smaller compartment sizes compared to multihulls. I'm unsure what the specific risk is that we are addressing, or trying to address, by applying damage stability only to multihulls. This will also affect Annex 5<br>***3.5.4 This might need careful consideration noting that a 10% margin on GZ peak angle would not give cause for concern whereas a 10% margin on some GM or GZ based criteria could be very borderline. In addition, some damage stability criteria e.g. margin line immersion, are affected more by sinkage rather than an increase in VCG. I would expect that where this section is applied any difference is treated pessimistically in agreement with MCA. It's probably also worth bearing in mind that GZ criteria are non-dimensional so the for a 12 m and 15 m vessel with the same 'margin' on GZ, the applied moment required to reduce stability compliance to zero will tend to be much lower on the smaller vessel.***<br>***3.10.3 / 3.10.4 This is consistent with the construction standards but I'd question if this is consistent with Annex 7 and may need to be amended for consistency. This should also tie in to the freeboard assumed in the construction drawings which should indicate the maximum load waterline.***<br>3.10.3 – Watertight or weathertight? | Section 3.3 will be considered as part of the review of guidance implementing the Code. Section 3.4 and associated annex will be deleted.<br><br>Deleted section 3.5.4 ii<br><br>Sections 3.10.3 and 3.10.4 amended and consistency with Annex 7 checked.<br><br>Minimum freeboard of 200mm introduced below which vessels are considered open boats and Annex 7 amended.<br><br>Annex 4 deleted and replaced with references to MGN281 |

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| | | | 3.10.4 'Decked vessels with a continuous watertight weather deck…' noting that Annex 7 allows a vessel with a stepped deck to have a lower freeboard.<br>***3.11.5 - If we consider a vessel built before 2020, what would be the minimum freeboard that we're happy to accept e.g. would we be content with a vessel where minimum freeboard is, say 1 mm? How would we mitigate any water coming onboard for low freeboard vessels as we know the effectiveness of freeing ports can be reduced at low freeboards?***<br>Annex 4 – Happy to give further details but should refer direct to MGN 281, for 12-15 m vessels, the requirements for stability information required can be substantially reduced, noting the requirements for stability awareness / assessment included in the current mandatory training courses. Any warnings to the skipper need to be highlighted, a set of standard conditions provided, a copy of the inclining report and enough information for a consultant to carry out a new inclining or calculate a new loading condition would be good but beyond that it's difficult to see the benefit. I will be useful to clarify that the loading conditions presented for any vessel cover the full range of the operating cycle with the most pessimistic foreseeable stages considered. Where a vessel's operating pattern doesn't fit within the 'standard' cycle outlined (e.g. netters, potters, mussel dredgers etc.) an alternative cycle may be accepted.<br>Annex 5 (see comments above) – As stated before, I'm a little confused by this and I'm happy to discuss further. I realise that this is lifted direct from the revised Brown Code. My immediate concern is that this is a fairly significant change from where we are at the moment. I'm also not clear as to why damage stability applies only to multihulls rather than monohulls too. For a monohull and multihull vessel of the same length, if both have the same freeboard, I'd expect the multihull to have substantially greater stability in terms of GM and GZ curve characteristics. Catamarans tend not to operate using fishing methods exerting significant additional forces (predominantly potting, lining and netting rather than trawling or dredging). Taking this to an extreme, you could end up with an open boat in the same fishery as a catamaran which needs to be subdivided and comply with damage stability. This would seem to be unduly onerous.<br>***As we are now applying a damage stability standard, we'd need to ensure that all internal divisions assumed to be effective as part of a vessel's subdivision are constructed and tested in accordance with the requirements for other watertight bulkheads.*** | |

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| | | | ***Permeability should also include: '…Higher surface permeabilities shall be assumed in respect of spaces which, in the vicinity of the damaged water plane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores.'***<br>Annex 7 – Should minimum freeboard (and freeing port positions) take account of change in trim due to dynamic effects while the vessel is underway. | |
| Andrew Locker | National Federation of Fishermen's Organisations | 7/11/20 | The NFFO thanks you for the opportunity to respond to the consultation on the revised code of practise for small fishing vessels. We feel that the structured questions in section 5 of the consultation are more aimed at vessel owners rather not the organisations that represent them and so we will compose our response based on the content of the proposed code of practise.<br>The NFFO notes that the basis for a revised code of practise has been developed with the aim of reducing fatalities and the severity of accidents by improving safety standards on small vessels.<br>Specific areas have been highlighted in the revision for new and existing vessels in the following areas.<br>• Construction, Watertight and Weathertight integrity<br>• Stability<br>• Machinery<br>• Electric installations<br>• Crew protection<br>• Man overboard recovery<br>Survey and Inspection requirements<br>We support the proposal to inspect the vessel out of the water every 5 years at the renewal inspection to ascertain the construction watertight and weathertight integrity of the hull from a safety point of view. We would ask that disruption to the fishing patterns of the vessel owner be kept to a minimum and if possible both the in water and out of water be done at the same time to reduce downtime and costs to the owner.<br>Stability<br>The NFFO recognises the need to establish and ensure compliance with specific vessel stability criteria consistent with the intended fishing operation. We would suggest that if a multipurpose vessel complies with and holds the relevant stability certification in line with the most stringent criteria, there should be no requirement to hold additional stability certificates for fishing operations which are less critical in terms of potential stability challenges. We would like to highlight that the added costs incurred with a single vessel having to undertake multiply stability test could be quite expensive. | MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br><br>A vessel will not need to undertake a stability test for a fishing method when it has already undergone a stability test for a higher category method<br><br>Roll, Heel and Offset load tests can be undertaken by owners or skippers themselves.<br><br>Where significant modifications take place, the owner should take professional advice.<br><br>MGn503 and the Code include a template. MCA will look into other possible assistance.<br><br>Existing vessels systems will remain acceptable if fit for purpose. If vessels undertake electrical work then this should be to MGN628 and Insulation resistance requirements complied with.<br><br>We have reviewed the requirements and introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction |

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| | | | The NFFO suggests that if any significant vessel modifications are undertaken that can alter a vessel's stability, those modifications should be undertaken in collaboration with the MCA to avoid any unnecessary accumulation of costs or loss of fishing time and earnings. We also suggest that once the modifications have been completed, the vessel should undertake a stability test to ascertain that the vessel still complies to the stability requirements for its intended fishing operation.<br>If a roll test is required, we recommend that a standardised document be supplied by the MCA which can be stored on board and used for future reference to the vessel's historic stability.<br>Machinery and Electrical Installations<br>The NFFO would like to draw a clear line between the requirements for new and existing vessels with regards to the machinery and electrical standards set out in this chapter. It can be relatively easy to adopt new practices in fit out of new vessels but on existing vessels altering vessels that have already satisfied the MCA surveyors in earlier forms of the code could force vessels out of the industry. We ask that if extensive planned changes on existing vessels to mechanical or electrical installations are undertaken, those changes should be made in accordance with the new code. We would offer caution in these cases and hope the MCA could provide a common sense, pragmatic, approach which takes account of the vessel's structure particularly in relation to the revised code's requirements for mechanical and electrical installations.<br>Crew Protection<br>The NFFO recognises the importance of effective crew protection. We feel that with the implementation of ILOC188 and the requirement for all fishers to have a Fisherman's Work Agreement, will help to reduce differential conditions between employed and self-employed fishermen with regards to safety. Ultimately, responsibility for the safety of all on board falls to the owner/skipper.<br>We therefore support improvements in crew safety and protection in the code and in particular the use of a risk assessment. Using a formal process to determine the level of risk is key, to minimising harmful consequences. It is with this in mind that we ask that we ask the MCA to allocate suitable resources for the refresher course<br>specific to address the need for risk assessments and how to undertake them in this sector of the fleet. Provided that a vessel skipper can provide documented evidence that a suitable risk assessment has been undertaken and demonstrate that the code recommendations have been adopted into the safe working practises onboard, there | Standard, to be maintained to the standard they were built to.<br><br>Comments regarding training issues have been provided to the relevant section of MCA. |

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| | | | does not need to be a one size fits all approach to crew protection and that each vessel can be surveyed on a case by case basis. | |
| Stella Dean | South Coast Fishermen's Council/Mudeford and District Fishermen's Association | | This Council represents small-scale inshore fishermen from Lyme Regis to Portsmouth. Our members all operate vessels under 12m with the great majority under 10m.<br>Over the last few decades the Council has been in correspondence with the MCA and in the past has provided representatives to sit on various FISG groups. We would therefore expect to be kept informed on matters relating to fishing safety but we have had no communication in recent years and according to our records we have not been invited to attend the FISG technical groups since 2013. We were not given the opportunity to contribute towards the development of the proposals.<br>The vast majority of fishermen are totally unaware of these proposed severe and financially crippling measures. The vast majority of fishermen do not have the time to read these complex, extremely long winded, technically baffling and totally inappropriate proposals.<br>The MCA should be under no illusion that the cost of the additional requirements can simply be offset against turnover or offset against tax. The cost will reduce the owner/skipper's income from fishing by an equivalent amount in most cases. If these proposals are implemented, the MCA will be responsible for small boat fishermen trying to do too much, including going to sea in rough weather just to earn the extra money needed to pay for the additional onerous overheads.<br>The MCA should consider the current situation with the added pressure for small businesses with COVID 19 and lack of usual markets. There is currently great uncertainty with the fishing regulations following BREXIT and unknown expense.<br>There is the threat of further financial burdens on fishermen if the Fisheries Bill requires all vessels to carry Remote Electronic Monitoring and IVMS. The Environmentalists are constantly pushing for Marine Conservation Areas which has a severe displacement implication making smaller boats fish further from home ports.<br>It is a fact that no fisherman wants to go to sea in an unsafe boat and always attempts to refit and renew equipment at times when the weather is inclement and tides suitable. This is often done at short notice and experience shows MCA inspectors are<br>rarely available at short notice which means extra expenses having to haul boats out at inconvenient times for inspection. In addition some fishermen work in areas | The comments regarding the consultation document are acknowledged. However the MCA is required to consult using a particular format. The MCA did however, to recognise the need to communicate with the industry, conduct a national roadshow to raise awareness of the consultation prior to it taking place.<br><br>Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to. This is expected to significantly reduce costs for many of the vessels on the Register. In addition Roll, Heel and Off set load tests can be undertaken by owners or skippers.<br><br>In addition, the Code has been developed with a view to the new requirements being what a responsible owner would undertake. Whilst some elements may appear simplistic, these are items that appear in the Codes of Practice for other vessels, including larger fishing vessels, and incidents have occurred because these have not been undertaken. Inclusion in the Codes allows for these to be checked and if necessary poor operation identified.<br><br>As referred to in the impact assessment, the MCA has introduced voluntary codes in the past. These Codes have failed to reduce fatalities within the Industry. Whilst work to assess current compliance with the proposed requirements identified that vessels already |

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| | | | where there are no facilities for hoisting boats out and work is carried out on the shore.<br>The small scale commercial fishermen is generally extremely professional and careful unless pressurised by over regulation and financial debt which these proposals have a potential danger of imposing.<br>Our members are very safety conscious and do not want to avoid sensible safety legislation but there are risk takers in every profession who do not comply and it is not fair to penalise everyone. Our members would much prefer voluntary marine guidance notices and government funded training and education.<br>The MCA says that it is acting in response to recommendations made by the MAIB as a result of their investigations into fishing vessel accidents but provides no reference to those investigations or to the recommendations themselves. We are aware of accidents that do occur to small fishing vessels and feel that when these have been caused by the condition of the vessel, the general level of maintenance and inherent stability problems would have been such that they would be evident to a surveyor. We would understand if the MCA on inspecting such a vessel under the current regime were to then require it to undergo further more detailed inspection of the type now proposed. Such targeted investigations would lead to a just small percentage of vessels being subjected to more extensive inspection and the cost could be born centrally.<br>The current spate of consultations has put a spotlight on the fact that, whilst they are necessary and have a valid purpose, by their nature they are a barrier to communication. Written consultation is hardly the most appropriate method of engagement where there is so much detailed technical content and where stakeholders have more questions to ask at this stage than answers to give. We believe that the MCA should seek to discuss the proposals face to face with groups of fishermen and their representatives.<br>For this reason we have not addressed the proposals in their technical detail in this response. We would like to comment that it is only a year since many of the 7-10m segment of the fleet were required to fit life rafts and all vessels to carry PLBs under the last revision of the code. Surely it is to be expected that that would reduce the severity of the outcome of fishing vessel accidents and we suggest that these new proposals be put on hold for long enough to see what the impact the life rafts and PLBs have on the headline accident figures. This would also give time for more effective engagement with fishermen. | met a mixture of the requirements, and the Code has been written with the intention of being what a responsible owner would already be doing, previous experience of voluntary Codes means MCA is of the view that only by introducing mandatory requirements will safety be improved.<br><br>The current position regarding inspections is that many of the requirements set out cannot be robustly enforced and therefore allows scope for those who wish to take risks to do so. By making requirements mandatory the aim is not to penalise good operators but to ensure that those who do not are made to come up to the standard of good operators and work on a level playing field.<br><br>MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible. |

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| Derek Cardno | Scottish Fishermen's Federation | 8/11/20 | SFF in its approach to the consultation wishes to be positive but practical to see the FISG strategy become a success. SFF has and will be going forward a great supporter of education as being the biggest opportunity to make changes in fishing safety. SFF appreciate that Option 2 is where education lies. Option 2 is more of a voluntary introduction of the code but an option that the MCA would prefer not to use. SFF however, in its response would like to stress to the MCA that any new requirements without education will not have the desired effect. SFF would suggest that the MCA work with industry to use the tool of education to upskill the existing fleet operators on any additional requirements.<br>In the work that went into the 2017 codes that saw the re-instalment of full stability for new fishing vessels from 12-15m SFF was very supportive. SFF appreciated that these vessels can be of a construction that is complicated and involves fishing methods that apply more strain to the vessel. SFF is once again supportive of the MCA in the introduction of less expensive stability tests (roll or heel) for new under 12m fishing vessels that intend to operate a fishing method by trawling or dredging.<br>In the response to the questions regarding requirements being placed on existing fishing vessels. SFF has huge reservations on placing requirements on fishing vessels that have operated safely for many years. SFF has laid out a constructive option in question 7 for existing fishing vessels that are in Category B in relation to stability and would value the opportunity to discuss further with the MCA. SFF does appreciate and understand that some of the losses of lives from the under 15m fleet has been attributed to when fishing methods had been changed without due care and attention. Thus, for existing fishing vessels SFF does support propositional stability checks for vessels that wish to change their method. SFF is very willing to discuss with the MCA what proportional stability checks would or could be.<br>SFF in consultation with its membership over this response would like to comment on survey and inspection under the proposed new codes. Inspections and the amount of inspections are going to increase if the MCA push ahead with the full suite of options on the table for existing vessels. The MCA for many years has had challenges around the inspection and follow up support to the under 15m fleet. Although the industry values and appreciates that at present and hopefully for a long-time going forward these initial inspections are free. The introduction of the new codes opens up opportunities to improve the service. With the suggestion of in and out of the water inspections as an option within the new codes | The MCA agrees that both regulation and education are key to improving the safety of the Industry and fully intends to work with Industry to improve education and training.<br><br>The continued loss of vessels and subsequent fatalities mean that the continued lack of regulation regarding vessel stability is unsustainable. The MCA has endeavoured to identify tests that can be conducted based on risk and to allow owners to monitor the vessels stability themselves. As vessel losses of modified and unmodified vessels continue to occur, the MCA is of the view that all vessels should have their stability assessed and that then this can be monitored through the future life of the vessel. Guidance on the tests is provided and is not considered to be difficult to undertake. Furthermore it can be undertaken by the owner at no cost.<br><br>We have also reviewed the requirements and to take into account the comments regarding additional costs and safe operation of vessel and introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>MCA has rewritten the Out of water inspection requirements to allow for vessels to be inspected any time prior to their first In water inspection to this new Code and then to be seen Out of Water again before the 5th anniversary of their previous Out of Water. The intent is to allow maximum flexibility to owners to arrange a suitable time and date to inspect vessels out of the water at no or as minimum extra cost as possible.<br>There is no evidence to suggest that vessels<br><br>The MCA already have in place a large team of Surveyors fully trained in the inspection of U15 FV's. The Surveyors are multi- |

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| | | | this alone is going to increase the workload considerably for the MCA as many vessels will not be in a position to do both on the same visit. SFF would then like to suggest as part of the consultation a suggestion to see a safer better serviced under 15m fleet across the UK.<br><br>Two associations that play an integral part in the membership of SFF are in Shetland and Orkney. Both islands have many Under 15m fishing vessels. These owners however are supported by the MCA more recently through the Glasgow Marine Office. This centralisation of support does not lend itself well to the MCA's call in the consultation that the under 15m fleet is the most dangerous sector in the UK fleet. As in anything in life to see success it requires a team effort. By simply altering the codes every 3-5 years with more requirements on this fleet is not a team solution and is unsustainable. Many of the under 15m fleet in Scotland live in small coastal fishing communities and provide vital income and support for these communities. SFF through this consultation would seek the MCA's future objectives and plans to support these coastal fishing communities that will support their fleets to be safer.<br>SFF would suggest to the MCA that an approach that would demonstrate real commitment to the under 15m fleet is:<br>1. Create a specialised team within the MCA surveyors looking to support the under 15m fleet<br>2. Take under 15m surveyors away from large marine offices and embed them in key coastal fishing communities around the country. For example, having a surveyor based in the Northern Isles that could cover the Shetland and Orcadian fleets would be a huge step forward in creating a safer industry. The right person in position could not only provide survey support but could be used in an educational aspect.<br>SFF hopes that this consultation process opens up more dialogue on how the Under 15m fleet can operate annually without a loss of life with the MCA. SFF appreciates the opportunity to be part of FISG and take part in this consultation. However, SFF firmly believes continuing to alter The Code of Practice for the Safety of Small Fishing Vessels less than 15m overall might tick a box from a MAIB report but it will not see lasting change in the sector which we all want. | disciplined, come from a variety of marine related backgrounds and are able to provide a wide range of advice and technical expertise to the Fishing Industry. Nationally we currently have 70 Surveyors trained in surveys of U15m fishing vessels and we are committed to grow this further in the future. Having already taken the 'specialised team' approach in the past, experience has shown us that having a larger number of qualified Surveyors, albeit multi-functional, is the most efficient and reliable way of meeting the demands of the U15m fleet.<br><br>Our current approach specifically within Scotland is to allocate a geographical area to a Surveyor or Surveyors, they monitor the demand for inspections in their area and plan trips, usually over a series of days, to complete a number of inspections during the same visit . During their visits they are available to provide advice as required to the wider fishing fleet and are encouraged to make themselves known within the harbours they are operating. MCA have in the past stationed Surveyors within fishing communities and although some benefits were realised, on balance it was not an effective means of meeting our customers overall needs which ultimately resulted in us moving away from that approach. With respect to the educational aspect we are in the process of planning how this might be better conducted in the future, as you know we carried out a large number of 'Fishing Vessel Roadshows' last year to publicise the potential changes to construction and survey standards, we would like to build on this engagement and will let you know of our proposals in due course. |
| Ken Smith | Hook Marine | 8/11/20 | Roll Tests<br>Carrying out testing such as roll testing every five years will not influence the accident rate to any great extent; the | The revised Code proposes that all new vessels under 12m will be required to comply with stability criteria relevant to their method of fishing and existing vessels under 15m |

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| | | | interval between tests is excessively long, and consideration should be given to testing annually.<br>In the UK, motor vehicles are required to undergo MOT tests every 12 months. The marine environment would not suggest less frequent examinations or tests.<br>Roll Testing at Sea<br>This method of continuous testing using instrumentation would<br>1. Provide an accurate means of roll testing in port<br>2. Extend the test on a continuous basis, together with automatic logging of roll period and GM values<br>3. Allow declining stability at sea to be noted and the crew given early warning of developing hazards<br>4. Reduce or fix the charges associated with frequent manual only testing, running costs amounting to nil<br>5. Provide affordable capital costs for purchase and installation. One of the lower cost devices currently available could cost only £21 per month X 36 months. This assumes that MMO grants are payable and that an interest rate of 10% per annum applies.<br>There is no acknowledgement in the Draft Code of the fact that stability at sea is a dynamic factor, always changing. Normal consumption of fuel and water from low tanks will increase the GM value as the centre of gravity rises. In addition, water, ice, and load shift can change the reserve stability in a serious or catastrophic manner.<br>Existing Vessels<br>The Draft Code appears to call for new stability requirements on new or reassessed vessels only. This may discourage investment in new vessels, and lead to accidents increasing in an ageing fleet | must apply a stability assessment method to their vessel. All vessels will need to carry a Wolfson Freeboard Notice; and, any vessel that changes its method of fishing, after the introduction of the new Code, must comply with the new stability criteria applicable to the proposed method of fishing. In discussions with FISG members, the consensus was that the risk of capsize should be addressed before the vessel leaves port. They also expressed concerns regarding the measurement of stability at sea. These concerns included deciding upon acceptable limits for vessels and whether operators, when loading their catch into the vessels, may use the data provided by any monitoring equipment to push the vessel to its limits. |
| Sean Strevens | Cheetah Marine | 8/11/20 | **Comments on the Current construction standards within the code of practice and relevant evidence to support the comments**<br>**Stability, Subdivision, Freeing ports, Fuel tanks and Equivalence.**<br>All of the above are intrinsically related and Stability Books and static heal tests do not cover dynamic stability at sea when all the elements are against you or the fishermen put themselves into risky situations.<br>For all of our French commercial fishing vessels, which are coded with Bureau Veritas, which we build in our Portugal factory, we have to supply a full Theoretical Stability Book which is then followed by an in water practical stability assessment. The two have to be within 5% of each other. They both take into consideration winch pull, catch load, carry on weights, fluid weights etc. There is still no consideration of dynamic stability at sea. | The revised Code proposes that all new vessels under 12m will be required to comply with stability criteria relevant to their method of fishing and existing vessels under 15m must apply a stability assessment method to their vessel. All vessels will need to carry a Wolfson Freeboard Notice; and, any vessel that changes its method of fishing, after the introduction of the new Code, must comply with the new stability criteria applicable to the proposed method of fishing. In discussions with FISG members, the consensus was that the risk of capsize should be addressed before the vessel leaves port. They also expressed concerns regarding the measurement of stability at sea. These concerns included deciding upon acceptable |

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| | | | Our scantlings and hull construction passes all BV requirements.<br>Realistically vessel history, fishermen's experiences and designer/builder testing is the only way to understand dynamic stability. When you are surfing down a big following sea in tidal overfalls with plenty of wind and hopefully loaded with catch you soon realise which vessels can handle this and which cannot. You also realise how weight distribution, hull shape and vertical C of G all come into play.<br>This is why production vessel model history is so important. If you then add a construction file, stop fishermen from adversely changing their vessels and have a program in place to re survey vessels you should be able to significantly increase vessel safety within the fleet.<br>From my experience with under 12m outboard powered catamarans all of the above, **Stability, Subdivision, Freeing ports, Fuel tanks and Equivalence**, has an effect.<br>**Stability**<br>In general a too higher bridge deck is not advisable on small outboard powered catamarans especially of 3m beam and under. Petrol Outboards are now very reliable, have very low emission's, they are low noise, fuel efficient, easy to clear propellers, have shallow draft and are very eco friendly compared to diesel inboards. They are the future of small sustainable inshore fishing.<br>**Subdivision**<br>The code only requires 1 sealed bulkhead per hull in an under 7m vessel and two in an under 10m vessel. This is not enough to stop vessels sinking. If a vessel stays afloat there is a much higher chance of saving the crew.<br><br>**Freeing Ports**<br>On small outboard powered catamarans too many freeing ports adds deck water in rough weather and if placed too far forwards reduces residual above deck buoyancy in rough conditions. The work boat code requiring twin 225cm square is actually very good and historically these have worked very well in rough weather over the last 30 years. ( My first epoxy/ply cat had twin 225 cm square in 1989 ) With the right design foredeck and low C of G the actual amount of water which comes over the top of the bulwarks on small outboard powered catamarans in rough weather is very small. This is because the right design catamaran tends to stay level in all sea conditions. Inboard shaft drive, high deck catamarans need more freeing ports including forward freeing ports as the longitudinal C of G tends to be further forward. | limits for vessels and whether operators, when loading their catch into the vessels, may use the data provided by any monitoring equipment to push the vessel to its limits.<br><br>To address the issue of water freeing the MCA proposes amending the Code to say in 2.18<br><br>*"New Vessels (2007) shall comply with the Water freeing arrangements contained in the recognised Construction Standard for Fishing Vessels applicable at the time of Construction. Existing vessels shall comply with the requirements set out in 2.18.3 to 2.18.13 below. For vessels under 12 m RL, where, due to the nature of the vessel's design this requirement cannot be met or would prove impractical in operation, alternative arrangements based on MSN1892 The Workboat Code (Edition 2 - Amendment 1) Section 6.3 or any superceding document, or MSIS 27, Chapter 2, 2.20 – 2.21 may be accepted on application to MCA. For sealed deck vessels under 7 m RL in length or which operate no more than 20 miles from shore and at all times in favourable weather, a reduction in required freeing port area may be accepted on application to MCA".*<br><br>The issue of subdivision, bilge pumps, LOA and petrol tanks is referred to the first review of the Construction Standards, to take place in 2021.<br><br>The Fishing Vessel (Code of Practice) Regulations allow for equivalence as follows:<br><br>"17 (1) Where the applicable Code of Practice requires that a particular fitting, material, appliance or apparatus or type must be fitted or carried in a vessel, or that particular provisions must be made as respects a vessel, the Secretary of State may permit any other fitting, material, appliance or apparatus or type to be fitted or carried in the |

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| | | | Watch the video example of a SharkCat in Australia in the 80's whilst rescuing a yacht, it capsized in giant seas because of an engine failure ( un reliable old fashioned two strokes ), note how little water comes over the side of the boat considering the size of the wave and how the boat stays level after the first wave. Built to USL codes they have under deck tanks, low C of G and generally a single aft freeing port, no freeing ports in the sides.<br>Over the last 30 years these designs have been working the surf river sand bars of Australia with generally very little change in design. Capsizing being extremely rare where most traditional small monohulls would have been swamped in far less wave height.<br>Raised bridge deck height and above deck fuel tanks would not have given the Australian surf rescue catamarans the ability to do the rescues that they have done over the past 40 years.<br>Links<br>https://www.gettyimages.pt/detail/v%C3%ADdeo/yesterday-coastguard-sharkcat-rescue-boat-capsized-filme-de-not%C3%ADcias/640584334<br>Australian Shark Cat rescue boat<br>www.cheetahmarine.co.uk/en/video<br>9.95m Dec 3rd, 2012<br>6.2m Original epoxy/ply Cheetah<br>Built in 1989 with Anchor Marine ply 2 x 4mm and West Systems Epoxy, double diagonal concave bow, rocker in the keel and a very low C of G made this boat good for working on a surf beach. This boat was thoroughly tested off St Catherine's point IOW with twin 225 cm freeing ports.<br><br>**Fuel tanks**<br>Underdeck tanks have been in and out of the Commercial fishing construction standards for many years. They are generally critical for good rough weather stability where dynamic stability should be taken into account as well as static intact stability testing. They also have a host of other advantages including significantly better fire protection, insulated fuel stopping water build up, bunded by internal bulkheads, kept out of the sun and cooled by having water around the hull, kept off the working deck out of the way of potential damage and safer to re fuel.<br>The MCA work boat code has allowed underdeck tanks in all designs of petrol outboard boats, including RIBS for around 20 years. The RNLI have underdeck tanks in their Atlantic 85's. We have fitted MCA approved, underdeck tanks since 2001 in our MCA Charter Coded vessels. We have 20 years of successful history with our tank design. If you were charter fishing with 12 passengers and had a fire on board which got out of control with our design of tanks | vessel or any other provision to be made as respects the 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 are set.<br>(2) For the purposes of the applicable Code of Practice, the Secretary of State must 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—<br>(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<br>(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."<br><br>Fire extinguishers are fine in space where no one can get in but not in space that is accessible - see 5.8 |

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| | | | you would have enough time to get everyone in the life rafts before there was an issue with the fuel. Historically there have been very few fires on outboard powered petrol boats and with modern four stroke fuel injected engines the chances of engine fires are very low. I have seen more diesel inboard fires than petrol outboard fires on boats.<br><br>Most fires are caused in the galley or electrical, both of which tend to be in the cabin so aft inbuilt fuel tanks are the safest possible when you have a forward cabin and they significantly help dynamic stability.<br>Above deck plastic tanks ( CAN SB Polyethylene ) up to 120 ltr are good on the right vessel design, but longer range, larger tanks should be inbuilt underdeck.<br>We have completed in depth fire testing on plastic and aluminium tanks.<br>Atlantic 85 with inbuilt under deck petrol fuel tanks, the filters and tank tops come up into the centre console which also has electrics in the same console space. Our Cheetah design is totally separated from all ignition sources, cabin and engines.<br>Email from Naval Architect [Name provided] reference fuel tanks, who does all our stability books and our BV French stability book requirements<br>From: Naval Architect Subject: Cheetah Tank Study<br>Dear Sean<br>This morning I carried out a comparative study of a pair of Internal Under Deck Tanks vs. a pair of Deck Mounted Tanks installed in a representative Cheetah 10m from the files.<br>The tanks were as close as possible to each other in capacity at 300L each and filled with unleaded petrol. SG 0.7499<br>To avoid any trim effects the tanks were in the same position in the boat longitudinally. The Internal Tanks as used by Cheetah provide the benefit of leaving an unobstructed deck area for safe working at sea. No failures of Cheetah internal tanks have been reported over the last 20 years.<br>The study shows a benefit to intact stability by having the tanks under the deck, as follows:<br>The maximum Righting Lever is increased by 2.5%<br>The Angle of Vanishing Stability is increased by 2.2%<br>The Dynamic Stability up to 30 degrees is increased by 2.5%.<br>Note: These improved characteristics all occur together and are not mutually exclusive.<br>Regards<br>[Name}<br>Name and contact details provided. | |

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| | | | Note<br>Dynamic stability reference above does not take into consideration at sea influences which include Speed, Seastate, wind and changes in vessel loading.<br>Under deck Tank schematic provided<br>New Polyethylene under deck tank design provided<br><br>**Equivalence**<br>The MCA Workboat code and CE CAT B RCD has some very relevant details which should be allowed as equivalence within the Commercial fishing code if the designer/builder can show relevance and a safety advantage.<br>**Other**<br>**Fire extinguishers**<br>ABC Powder Auto fire extinguishers for small powerpack installation's are essential because they will still work if the boat is left a loan just after the motor is switched off, they are also quick to react with little that can go wrong.<br>**Bilge Pumps**<br>Bilge pumps in small sealed compartments which do not adversely affect the vessels stability if holed should not be required as they add holes, pipework and power supplies to that compartment, they need maintenance and often stop working making the vessel less safe. These are occasionally asked for by surveyor's however most realise that for our latest design of subdivision ( since year 2000 ) they are not required.<br>**LOA**<br>**Highlights in red from the notice documents**<br>Reasons why the latest LOA documentation needs to be part of the future consultation<br>and not part of the current legislation<br>Paragraph in question<br>• Any structure that is considered essential for the operation of the vessel is to be considered fixed permanent structure; e.g. engine support aft of what would be considered to be the transom.<br>"length overall" means the distance between the foreside of the foremost fixed permanent structure and the after side of the aftermost fixed permanent structure; and "fixed permanent structure" includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders, other than where such functional arrangements are | |

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| | | | designed to replace any part of the hull that has been removed. (MS (Tonnage) Regulations SI 1997:1510 – as amended by Statutory Instrument 1998 No. 1916, The Merchant Shipping (Tonnage) (Fishing<br>3.1 It is important to note the importance of “fixed permanent structure” within this definition.<br>3.2 Fixed permanent structure is considered to be integral to the hull and deck structure. Examples of what is considered fixed permanent structure include:<br>• Where the structure in question is removed and leaves a hole in the hull or deck that would render the vessel un-useable or unseaworthy.<br>But according to the above rudders, steering gear, outdrives, outboards and propulsion machinery are not permanent structures and can be removed without effecting the seaworthiness of the vessel, and this would include drive shafts,<br>• Any structure that is considered essential for the operation of the vessel is to be considered fixed permanent structure; e.g. engine support aft of what would be considered to be the transom.<br>Does engine support mean a buoyant outboard pod or an engine jacking device or both? But according to the above rudders, steering gear, outdrives, outboards and propulsion machinery can be removed without effecting the seaworthiness of the vessel in which case a jacking device has to be part of the propulsion machinery. A buoyant pod could be argued either way as if it were removed the vessel would still be seaworthy however a buoyant pod extends the waterline and hull volume so equally could be counted in LOA as it adds to the tonnage.<br>This means a jacking device should not be included in the LOA, also the Porta jacks we use would change the LOA as the engine height is trimmed during normal operations at sea when loading and offloading potting gear.<br>• Stern Pulpits i.e. cat catcher, where the structure is being integral with the bulwarks (i.e. deck structure), could not readily be removed intact and readily refitted intact form one day to another without altering the physical integrity of the vessel and in addition can contribute to the fishing effort in that it is sized to carry pots/creels (i.e. considered essential for the operation).<br>3.3 Owners and builders should contact the MCA prior to the fitting of any structure or modification that may extend the vessels length to seek guidance on the effect of this work on the vessel’s length measurements.<br>Porta Jacks on an under 10m Cheetah, since 2017/18 we have built two like this and have two under contract in build, The Jacks were not included in the LOA by both surveyor’s. | |

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| | | | Buoyant pod,<br>This is on our 6.9m series and the buoyancy of the pod extended above the deck aft which made this very low centre of gravity boat very seaworthy. Unfortunately, the pods were changed from not being in the LOA to being included. This put the price up beyond reach for many fishermen as it came in at over 7m. We then stopped manufacture of this model.<br>This model had a 2.4m beam and could handle very rough weather. With the MCA and Seafish pushing for higher decks and above deck tanks on small beam catamarans the vertical C of G is always increasing making for a less capable and stable boat in the under 7m sector.<br>I do however fully appreciate that these pods are an extension of the hull and should be counted in the LOA as they also increase the tonnage measurement<br><br>Yellow is a great colour for visibility making it a safe colour unfortunately yellow Barcol measurements hover around 30 making it a risk for us to use as below 30 it would fail the survey. We stopped manufacturing yellow Cheetah's a few years ago.<br>**Stern Shoots**<br>Stern shoots should also not be included in the LOA, they have never been included to date and they have no effect on the tonnage measurement. They are however generally glassed in place.<br>My suggestion is that we make them bolt on in the future as the vessel can still work without a shoot extending past the transom. The bolt on part just reduces the risk of ropes going into propellers. This means that it is a bolt on safety feature and should not be part of the LOA. Many of our under 10m vessels have this and have not been counted in the LOA. To retrospectively count this would be a significant safety issue but to leave them as they are and make us design bolt on shoots would keep the fishermen both happy and safe.<br><br>**In Conclusion**<br>The new code additions for Option 1 are a very good.<br>A reasonable consultation time is important.<br>Any obvious advantages to safety should be dealt with quickly especially if equivalence can be proven. | |
| Duncan MacInnes | Western Isle Fishermen's Association | 8/11/20 | The unanimous views of vessels owners at the Annual General Meeting of WIFA was that MCA should not proceed with Option 1. However, MCA should proceed with Option 2 and introduce a voluntary industry agreed code to ensure buy in to best practice which reflects best practice within existing Code coupled with the additional | As referred to in the impact assessment, the MCA has introduced voluntary codes in the past. These Codes have failed to reduce fatalities within the Industry. Whilst work to assess current compliance with the proposed requirements identified that vessels already |

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| | | | requirements of MSN 1871(F). This would provide an opportunity to reflect on how the additional equipment requirements have improved communications and reduced incidents in the following years. They consider that it's not practical or realistic to impose the proposed additional costs on the under 15 metre fleet during the current challenges that the fleet is faced with due to Covid-19 and Brexit. Some form of assistance should be available to the under 15 fleet to offset any costs if a decision is made to proceed with Option 1. | met a mixture of the requirements, and the Code has been written with the intention of being what a responsible owner would already be doing, previous experience of voluntary Codes means MCA is of the view that only by introducing mandatory requirements will safety be improved. |
| Elaine Whyte | Clyde Fishermen's Association | 8/11/20 | We commend the moves to improve safety, but we would like to see a scheme developed which is able to be implemented practically without seeing safe fishing boats who perhaps do not meet all of these standards (due to age etc) completely removed from the fleet. Coastal communities face many challenges, they are ill placed to deal with prohibitive changes specifically at this time | The Code, like all Codes, are designed to be flexible and suit all sizes and types of vessels to bring them to a minimum standard. Not all requirements are applicable to all vessels, the requirements within the Code are significantly less for a 7m open vessel than for a 14.99 vessel. The MCA has introduced a provision whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to.<br><br>The MCA is providing a 2 year phase in period from the Date of Entry into force of the Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory.<br><br>We have reviewed the requirements and introduced provisions whereby for many requirements, existing vessels need to demonstrate fitness for purpose and for vessels built between 2007 and the introduction of the Code, or to a Construction Standard, to be maintained to the standard they were built to. |
| Owen Brown | MCA Surveyor | 8/11/20 | 1. **4.2 of MSN bullet point 3** – "timber" should read "limber" but I don't think that this is the correct term since limber holes refer to drainage through frames or floors not decks. A less ambiguous term would be "deck drain".<br>2. **1.3.9 "Decked vessel"** – simply says a continuous watertight (should read weathertight?) freeboard deck that extends ……positive freeboard throughout……. This definition could also apply to an open vessel with | Amend to limber - Reference to sealed sole amended to remove definitions of open and decked in chapter 1 and to refer only to annex 7<br><br>References to weathertight and watertight checked |

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| | | | weathertight deck. There is no definition of an open vessel in section 1.3, it is tucked away in Annex 7. Section 1.3 should refer Annex 7 for the definitions of both open and decked vessels. In my experience the single most important, and often controversial, decision facing a surveyor of small fishing vessels is the determination of whether or not the vessel is decked or open - the appropriate deck drainage regime follows from that decision. This code improves on earlier codes by setting the required approach to draining the weathertight decks of open vessels – basically drain into the bilge or sump and pump overboard. Due to the substantial number of fatal foundering's/capsizes that can be traced back to the inappropriate fitting of freeing ports it would be helpful to include a flow diagram of the form shown in Figure 1 so that surveyors/operators/designers are in no doubt what is required in this regard.<br>3. **2.4.1 Bulkheads if fitted are required……** – this text does not quite get across the point that if a bulkhead is required to be watertight then all pipe and cable penetrations have to be of an approved watertight type and similarly access doors/hatches have to be of an approved type.<br>4. Definition required for "favourable weather".<br>5. The definition of freeboard is given as "the distance measured vertically downwards from the upper edge of the freeboard deck to the waterline. Given this definition it is incorrect to use the term "freeboard" when discussing open vessels. In this context the term "positive clear height at side" should be consistently used. Having said that, MGN 628 refers to freeboard of open vessels (3.9.1) – which again doesn't agree with its definition of freeboard. To avoid confusion, and further differentiate decked from open vessels we should adopt one or the other terminology and use it consistently throughout.<br>6. There is no reference to MGN 628. I would suggest that the definitions include: "Recognised Construction and Outfit Standard for Fishing Vessels refers to MGN 628 or an equivalent standard acceptable to the Certifying Authority". It would be worth considering, for ease of reading, simply referring to the requirements of MGN 628 where appropriate rather than writing them out again in full. The reader could them very quickly pick up where the Code specifies requirements which are additional to MGN 628 such as contained in section 2.17.3, 2.17.4 and 2.17.5 of the Code.<br><br>7. Freeboard of decked vessels is allowed to fall below 300mm if operations are restricted to 20 miles and | Code amended to allow existing vessels bulkheads to be fit for purpose, allowing non watertight bulkheads where construction standards did not require it or exist but when bulkheads are replaced, that this is done in accordance with current construction standards.<br><br>A definition of favourable weather has been included, taken from Small Commercial Codes.<br><br>The Code has been amended to include reference to positive height at clear side, only refers to Annex 7 for definitions and includes a new minimum freeboard of 200mm below which a vessel is considered an open vessel<br><br>References to MGN628 added to Code.<br><br>see earlier 200 mm chosen as minimum - point Wolfson is start with min freeboard then heel and reduce freeboard so if use it then no margin if vessel starts to heel over<br><br>Amendments to Sole drainage to be considered as part of the first review of MGN628 in 2021<br><br>Use of the term Sole is considered suitable for fishing vessels but references to floor amended.<br><br>A definition of sole deck has been added<br><br>Section of bilge pumping removed and now capacity must be in compliance with construction standard at time of build<br><br>Annex 7 amended to include suggested amendments.<br><br>References to figures 4 5 and 6 in Annex 8 deleted as these refer to vessels of 15m and over. The references to the MGN in the Annex 7 have been amended. |

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| | | | favourable weather. An absolute minimum allowable freeboard should be specified in the Code otherwise this opens up a potentially dangerous loophole. I would suggest that the permitted minimum freeboard is no less than the freeboard at the Green/Amber boundary from the Wolfson calculation.<br><br>8. Is a freeboard greater than or equal to the calculated Wolfson minimum freeboard mandatory? That is, the minimum freeboard should be the calculated Wolfson Green/Amber boundary freeboard or 300mm, whichever is the greater. It's clearly mandatory to carry the Wolfson Stability Notice and display it but I would have expected 3.10 to have begun "*All vessels are to have a minimum freeboard, or positive clear height at side, in the Wolfson Method "green" zone; but not less than 300mm (decked vessels) or 400mm for a vessel of 7m LOA or less and 700mm for a vessel of 15m LOA (open vessels, interpolate for other lengths)"* if it was mandatory.<br>9. **2.17.3 Sole drainage on open vessels** – this is required to be 2% of the total bulwark area above the sole. Does the total bulwark area include the transom? Why not 3% like decked vessels – open vessels will generally be more vulnerable to the effects of water on deck than decked vessels so need to shed it just as fast if not faster. For open vessels the term bulwark is not appropriate - it is the hull side above the deck. A bulwark is a structure which is distinct from the hull structure and mounted on the weather deck.<br>10. **2.17 use of the term "sole"** – this would be appropriate in a code on yachts but not for fishing vessels, the operators would not recognize the term. Suggest that it is replaced by "deck" or "working deck" or "weather deck". It is used in MGN 628 where it is defined as "the flooring in open vessels" which is in itself an ambiguous definition. The term "sole" is only used in MGN 628 in section 3.10 water Freeing arrangements and in the Code in section 2.17 which repeats much of MGN 628 section 3.10.<br>11. **2.17.3 use of the term "floor"** – suggest that this is replaced by "deck" or "working deck" or "weather deck" unless it actually refers to a floor (i.e. a deep transverse bottom<br>12. **2.17.4 use of the term "limber hole"** – does this refer to a deck scupper (i.e. a small opening in the vessel's side at the level of the deck allowing rain or spray to drain overboard from the deck)? If it does then the use of "limber hole" in this context is misleading and should be replaced by "deck scupper", with a definition added to section 1.3.<br>13. **2.17.5 …shall carry suitable manual bilge pumping to remove significant quantities of water off the deck** | It is not agreed that the Mark should be made mandatory. It is considered that owners and skippers by producing a notice shall have, together with other tests, sufficient information at their disposal to manage the stability of their vessel safely. Adding a mark is recommended but not considered an essential requirement for this purpose.<br><br>Forms to record Offset, Heel and Roll Tests will be reviewed. |

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| | | | **(where has the sole gone?) ….. the capacity of the bilge pump will exceed the potential rate of flooding by several orders of magnitude** – the "flooding" referred to is surely "swamping" by a wave breaking over the gunwale, which will be beyond the capacity of any practical bilge pump. The paragraph is not helpful. Is this requirement in addition to the bilge pumps required by para 4.9 which will have their suctions in the bilge? If so then it conflicts with MGN 628 which has no requirement for such a pump. Suggest that this requirement is dropped in favour of the deck drains already required.<br>14. **4.9.1 All decked vessels……** - The requirement for open vessels to have a bilge pump is "where the bilge is not visible". This conflicts with MGN 628 where all vessels must have bilge pumps (see para 9.3.2). Suggest that para 4.9.1 of the Code is re-written with: "*All vessels must have an efficient bilge pumping arrangement as detailed in MGN 628 section 9.3".*<br>15. The basic thrust of sections 2.17 and 2.18 of the Code is a great improvement on what has gone before and should substantially improve the safety of small fishing vessels, but some of the detail needs tightening up.<br>16. **Annex 7 Open Vessel** – states that "Open vessels can be fitted with decks but if there are no freeing ports it is not considered decked". This statement grossly oversimplifies the situation and could mislead the unwary into thinking that the only difference between decked and open (but decked) vessels is the freeing ports – so I'll just cut few freeing ports and now it's a decked vessel! It would be better phrased as: "*Open vessels can be fitted with decks but because of the insufficient freeboards to the decks cannot be fitted with freeing ports".*<br>17. **Annex 7 Open Vessel, last paragraph** – replace "…where the space below the sole is not permanently protected from water ingress (except for watertight hatches which are to be kept closed at sea)…." by "…which are non-weathertight…"<br>18. **Annex 8 section 5.1** – figures 4, 5 and 6 are missing. I wish we could quantify the most onerous stability situation that a fishing vessel could be subject to but I don't think it's possible. Many capsizes occur because the skipper is subjecting the vessel to loads in excess of anything the vessel could be expected to sustain. For example, when trying to clear gear which is snagged on the seabed, or lifting a cod-end filled with sand and stone. How is the skipper to know that he is attempting an operation beyond the limits of the vessel's stability? The only way I can see it being achieved is to determine the maximum loads that can be safely held by each lifting/towing point in all combinations of vessel loading and fit the vessel with a | |

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| | | | some form of load cell or tension gauge or inclinometer. The skipper then, for the specific lifting/towing point and vessel loading, monitor the load/heel coming onto the vessel and abort the lift/tow if the measured load approaches the tabulated safe load/heel. This is the sort of technological solution you might find on a modern anchor handling vessel but I think it's far beyond less than 15m fishing vessels. I remain to be convinced of the approach outlined for fishing vessels with full stability information.<br>19. **Annex 8 section 8** – the section refers to "this notice" and "notes contained in Section 3 above of this MGN (pages 3 to 4)". This needs modifying to reflect the Code.<br>20. **Annex 8 Freeboard Marks** – the Wolfson freeboard marks should be a mandatory requirement for vessels lacking full stability information. The great strength of the Wolfson approach is that it brings some tangible guidance on stability and freeboard to the operators of such vessels, which are at the greatest risk, and at negligible cost.<br>21. **Annex 14 FV Heel Test Form** – shouldn't this be called the "Offset Load Test Form" for consistency. The form should also record the minimum freeboard/positive clear height at side. Para 3.11.3 should also be revised to replace references to Heel Test. Or why not change all reference to "Offset load test" to "Heel test"? | |
| Tony Morrall | Individual | 8/11/20 | **Comments on the Wolfson Stability Guidance Method**<br>The wisdom of adopting the Wolfson Stability Guidance Method in the Code of Practice for Small Fishing vessel is questionable and needs to be reconsidered by MCA. A number of comments on this methodology are given below and a recommendation is made for its replacement with a more satisfactory stability guidance.<br>1. The guidance for the loading of fishing vessels under 15 metres was developed essentially for vessels for which stability approval is not required. Although stability requirements for these vessels became mandatory under the 1975 Fishing Vessel (Safety Provisions) Rules, this requirement was subsequently removed. This is in contrast to the stability requirements that apply to Work Boats and Recreational Craft.<br>2. In Annex 8 – The Wolfson Stability Guidance Method the Stability Notice is intended to provide guidance on how certain loading or lifting operations will reduce the safety of the vessel, and on the limiting sea states in which such operations should be conducted. This Notice is similar to the Nordic Standards Notice, which deals exclusively with loading in the upright condition. The Wolfson Stability Notice does include one upright loading condition, which makes use of the freeboard mark. For the lifting operations, the Wolfson Mark is considered to be a heeling mark. | The revised Code proposes that all new vessels under 12m will be required to comply with stability criteria relevant to their method of fishing and existing vessels under 15m must apply a stability assessment method to their vessel. All vessels will need to carry a Wolfson Freeboard Notice; and, any vessel that changes its method of fishing, after the introduction of the new Code, must comply with the new stability criteria applicable to the proposed method of fishing. In discussions with FISG members, the consensus was that the risk of capsize should be addressed before the vessel leaves port. They also expressed concerns regarding the measurement of stability at sea. These concerns included deciding upon acceptable limits for vessels and whether operators, when loading their catch into the vessels, may use the data provided by any monitoring equipment to push the vessel to its limits.<br><br>A review on behalf of the Safety Committee of the Royal Institution of Naval Architects into the Wolfson Method concluded |

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| | | | 3. Although the number of incidents resulting from lifting loads over the side of a vessel is exceedingly small, the need for guidance for lifting operations is fundamental. However, the application of the Wolfson Stability Guidance Method in practice is considered questionable, particularly as the Wolfson Mark cannot be observed at sea. Lifting operations at sea require adequate stability in the upright condition and for vessels without stability data, this can be checked using a heel test, as advocated in the proposed Code.<br>4. Wolfson's safety guidance and freeboard marks for fishing vessels are intended to provide a very simple and approximate guidance to fishermen, rather than giving accurate predictions of capsize. The guidance covers the vessel in the upright condition and when lifting loads over the side. For vessels with no stability data, the Wolfson Mark, for the critical loading or lifting cases, correspond to the safety zone boundaries defined by the residual minimum freeboard.<br>5. The MCA Fishing Vessel Stability Guidance, page 20, states: "When the waterline is above the top of the (Wolfson) mark, whether upright or when heeled during lifting operations, the vessel is in danger of capsizing". "When the waterline is below the TOP of the mark, whether upright or when heeled during lifting operations, the vessel has a low safety level against capsizing or swamping in a seaway". This inference is from these statements is that the bottom of the mark provides adequate safety from capsize.<br>6. A plot comparing the actual minimum freeboards for a number of vessels with those of Wolfson's minimum freeboard is given in Figure 1. This shows that the Wolfson freeboard will be below the minimum freeboard (and the waterline in some cases) for a number of vessels, while on others, it will be above minimum freeboard. These differences undermine the reliability the Wolfson Stability Guidance Notice to ensure safety, particularly when the freeboard mark is below the waterline, as both the loading and lifting guidance depend on the Wolfson freeboard.<br><br>Figure 1: Comparison of Wolfson Freeboard with actual minimum freeboards. (data from MCA'S Freeboard Investigations - Assessment of survivability of Fishing Vessels less than 15 metres LOA)<br>7. The use of a heel test to check the stability or vessels without stability data, is fully supported in the proposed Code. However, it is strongly recommended that before making the Code mandatory for lifting loads, an evaluation is made of the proposed lifting guidance to ensure that it is sufficiently safe, reliable and appropriate for its intended purpose, and amended as necessary. | *"If the proposals are implemented they will not entirely remove the possibility of capsize of fishing vessels in the future. However they could be a major element in developing a greatly enhanced safety culture amongst the fishing community that will lead to a reduction in fatal casualties. The additional information and understanding that will be provided by the Stability Notices, and on smaller vessels by the Freeboard Mark, together with relevant training will enable fishermen to be aware of when their vessel is in a hazardous condition, or a specific activity is leading to the development of a catastrophic situation. In this way the fishermen will be enabled to take responsibility for the safe operation of their vessel."*<br><br>Together with the new requirements for Stability, the use of the use of the Wolfson Method is intended to not just provide evidence of the vessels stability and the effect of any changes to the vessel but also to raise awareness of stability and how activity may affect the vessel to give fishermen the information to potentially avoid capsize. |

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| | | | 8. It is also recommended that steps be taken to replace the Wolfson Stability Guidance Method with a more satisfactory guidance to assess stability for vessels without with stability data, (e.g. using methods proposed by FAO, ILO and IMO Code of Safety for Fishermen and Fishing Vessels and other organisations etc.), and with more realistic lifting guidance, including a limit on heeling angle, taking into account the heel test.<br>Limits for the maximum weight that can be carried, both in the fish-hold and on deck, should also be considered, with due regard to minimum freeboard. This information should then be displayed in a Stability Notice for the upright conditions, similar to that for the Nordic Boat Standard. | |
| Aidan Tuckett | Authorised Suveyor | 8/11/20 | Thanks for the opportunity to comment on the code. Comments relate to the types of boat I see built and used in the south east. These are open or decked beach boats, GRP catamarans and steel or wood decked monohulls up to 12m. Most fish with fixed nets or pots. Comments are in italics after the relevant clause, all relating to Annex B.<br>2.7.1 Flush deck hatches are not recommended unless necessary and any hatches that are required to be open at sea must have coamings.<br>*Most GRP boats have flush hatches which will inevitably be opened at sea (e.g. fish rooms, engine compartments). Builders will always want to maximise unobstructed deck area. Better to recommend flush hatches must be weathertight and proven at every annual inspection by e.g. hose testing. You could also stipulate any boat fitted with flush hatches that may be opened at sea must have a freeboard of at least 300mm. Otherwise they must have a coaming.*<br>2.15.2 Use of flexible hoses must be minimised and consideration given to installing permanent piping wherever possible.<br>*Does permanent piping mean rigid? Flexible hoses are invariably used for bilge pumping, engine intakes etc and are less likely to fracture from vibration, impact or being stood on.*<br>2.17.2 In open vessels where water coming on board normally drains to the bilge, the following provisions should apply:-<br>*Suggest you add a clause to the effect all open vessels should be fitted with sufficient buoyancy or enclosures to remain afloat when swamped where possible (i.e. any outboard powered GRP vessel). I would recommend any open vessels of less 5.5m must have sufficient buoyancy to remain afloat when swamped, either in enclosed bow and stern spaces and/or beneath the sole. There are many situations in which these boats can be swamped e.g. off Shoreham November 2017 when a fisherman attempting to tow nets free of an obstruction. He survived 2hrs in the water after the boat sank, being spotted by the lifeboat at dusk.* | For Flush hatches vessels must comply with the standards in force at the time of construction whilst vessels not built to standards must be fit for purpose. We have required that there is a minimum freeboard of 200mm below which the vessel is considered an open boat.<br><br>The section on flexible hoses has been amended to state use must be restricted to vibration isolation and meet the fire standards of MGN628 . See also standard for pipes for hydraulics<br><br>For 2.17.2 it is considered the Swamp test in ISO12217-3 addresses this issue.<br><br>To address the issue of water freeing the MCA proposes amending the Code to say in 2.18<br><br>*"New Vessels (2007) shall comply with the Water freeing arrangements contained in the recognised Construction Standard for Fishing Vessels applicable at the time of Construction. Existing vessels shall comply with the requirements set out in 2.18.3 to 2.18.13 below. For vessels under 12 m RL, where, due to the nature of the vessel's design this requirement cannot be met or would prove impractical in operation, alternative arrangements based on MSN1892 The Workboat Code (Edition 2 - Amendment* |

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| | | | 2.17.4 The (deck) drain shall be plugged in operation but may be opened when out of service to protect the vessel. The hole should be 25mm diameter at the most.<br>Also<br>2.18.2 The minimum area for freeing ports on each side of the well or deck is to be not less than 3% of the total bulwark area each side.<br>*We will have problems with compliance where normal operation is compromised by the code – boats will be set up for an inspection and revert afterwards. 3% scuppers in netting boats with low freeboards will cause the deck to become awash if nets are hauled when clogged with weed, or if several fleets of nets needs to be brought ashore quickly in bad weather. In this case, scuppers that can be shut off using e.g. 'elephant trunks' on 225cm$^2$ transom scuppers plus a bilge pump sump would be more practical. Use could then be restricted to 20nm and favourable conditions. For example a sinking off Hastings in August 2018 was caused by overloading and flush hatches with poor seals. This was compounded by a broken bilge alarm.*<br>2.18.3 Openings in the vessel to the height of the rail or used for the purposes of deploying gear are not to be used in the calculation of freeing port area.<br>*Shooting hatches in the transom are common. If builders are not allowed to use these towards a third of the 3% scupper requirement, bulwarks will need so many scuppers as to keep the decks awash. Loss of stability from the free surface effect of deck water isn't the only issue here.*<br>2.18.6 Where deck erections within a well limit the volume of water that may be retained onboard, then the freeing port area may be reduced proportionally provided that such erections do not in themselves contribute to water retention.<br>*This is valid but contradicted by the latest Seafish Construction Standards/ MGN629*<br>3.10.4 Decked vessels with freeboard less than 300mm are to be limited in their area of operation to 20 miles from a safe haven and in favourable weather conditions<br>*Recommend you also have an absolute lower limit. I have seen new boats with 150mm freeboard which will be even less when the boat is loaded and squatting under power. Recommend in no circumstances should a decked vessel have less than 150mm freeboard at 7m, pro rata some higher amount up to 15m.*<br>5.8.1 For existing vessels with fixed systems in machinery spaces where the space is never occupied an automatic discharge system may remain acceptable if it is already installed, subject to the agreement of an MCA surveyor, providing that an indication of discharge is given. Vessels built after 23 October 2017 are not | *1) Section 6.3 or any superceding document, or MSIS 27, Chapter 2, 2.20 – 2.21 may be accepted on application to MCA. For sealed deck vessels under 7 m RL in length or which operate no more than 20 miles from shore and at all times in favourable weather, a reduction in required freeing port area may be accepted on application to MCA".*<br><br>We will consider the question of openings for deploying gear, deck erections and accommodation ventilation as part of the review of MGN628 in 2021.<br><br>The MCA have also introduced a minimum freeboard of 200mm below which a vessel is now to be considered an Open Boat to address the issue of freeing ports on these vessels.<br><br>MCA considers that automatic discharges should not be installed, there remains a risk to the space outside.<br>not allowed as per current Code. Maintain current requirement<br><br>For rails, the Code is considered to allow flexibility for vessel operations by stating:<br>• *Where there would be unreasonable interference with the efficient and safe operation of the vessel the height may be reduced.*<br><br>• *Sections of rails or wires may be portable where necessary for the vessel's fishing operations.*<br><br>References to net bins and accessible toilets haves been added.<br><br>The Code has been amended for Cat B vessels so that they can comply with the following:<br>*3.7.1 Vessels to which this section applies have two options for demonstrating suitable stability.*<br><br>*.1 Compliance with the requirements for vessels of 12m (RL) to less than 15m* |

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| | | | permitted to have this arrangement and existing vessels are not permitted to install such arrangements.<br>*Fitting automatic fire extinguishers is normal practice in all the new builds I see. If there is a fire detection system, automatic extinguishers plus e.g. the means to discharge additional extinguishers through fire ports, could this be sufficient?*<br>6.6.2 On existing vessels<br>The perimeter of an exposed deck should be fitted with bulwarks, guard rails or guard wires of sufficient strength and height for the safety of persons on deck; the height of tubular railings and guard wires being not less than 1000 mm above the deck<br>*Needs a lower length limitation, suggest <5.5m beneath which there must be adequate handholds*<br>6.8.12 The following control measures shall be installed for restricting moving masses (on vessels with trawl doors or codends):<br>*Recommend you also have a reference to net bins having a means of preventing them sliding across the deck. I've heard of situations where overloaded netting boats ended up with all the bins on one side.*<br>10.2.7 Accommodation spaces shall be ventilated and adequately heated, taking into account climatic conditions. The system of ventilation shall supply air in a satisfactory condition whenever crew are on board.<br>*Recommend you define air changes e.g. fan capacity or vent sizes in relation to volume. I see many sleeping spaces with inadequate or no vents*<br>10.2.25 The sanitary accommodation shall be such as to …..<br>*Add access to the heads should possible during all fishing operations. I've seen arrangements where this is limited by warps under load/ pots being shot etc. with the consequent risk of the crew falling overboard if they cant get to the heads.*<br>Annex 6, offset load test<br>*Some smaller boats will fail this e.g. the 6.2m Seal Islander design which is built locally. If a boat under 7m cannot pass the test, recommend it is accepted provided it has sufficient buoyancy to remain afloat under any angle of heel.* | *(LOA) built or joining the Register on or after 23 October 2017: or*<br><br>*.2 a. Decked Vessels: Maintaining a Freeboard of 300mm or more, an Offset load Test at Annex 5 and, if Single Hull, a Roll Test at Annex 6;*<br><br>*b. Open Vessels: If Open, a positive clear height at side as required by Annex 4, an Offset load Test at Annex 5 and, if Single Hull, a Roll Test at Annex 6,* |
| Trevor Jones | WFA-CPC | 8/11/20 | Comments received from members centred on what are perceived to be frequent changes in legislation. It was felt that the introduction of this proposed Code should, despite some misgivings regarding its present content, signal the onset of a period of stability and consolidation in the Safety legislation for the under 15m fleet.<br>The implementation of ILO 188 is still a work in progress for some. Hence the suggestion that the Phase In Periods with regard to the proposed Code be amended. A small number of members felt that a more appropriate method of bringing | With the introduction of this Code, we do not have any plans at this time for any future amendments, although should issues arise that require us to consider changes, we will of course involve FISG in that process.<br><br>Given the current circumstances, it is not possible to say whether post implementation roadshows are possible. We will give this further consideration as the appropriate time. |

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| | | | the Code to fruition should be via the voluntary route. A greater number of members felt that the introduction of the proposed Code would benefit from similar roadshows to those that preceded this consultation, but which were focused on educating the fleet as to why the changes are necessary and required. The WFA-CPC would be fully supportive of such a venture.<br>Some questioned whether any further changes in legislation could be counterproductive and actually act against that which the industry and the regulators are trying to achieve, i.e. a safe and productive fleet which has safety foremost, based on a system of mutually agreeable and workable rules. To this end, the WFA-CPC wishes to continue to help form meaningful legislation and looks forward to resolving clarity about some of the proposed amendments contained within the Code.<br>The WFA-CPC values the role it has in the various offices of FISG and is fully committed to helping deliver and implement the FISG Strategy.<br>This consultation has elicited some passionate responses. We hope that the MCA takes the content of this document in the spirit in which it is intended, one of constructive comment which will further encourage the shared vision of an industry which can achieve and sustain an annual rolling goal of no fatalities. | The MCA is providing a 2 year phase in period from the Date of Entry into force of the Code to allow for owners and operators to adjust to the new requirements and take advantage of any available funding to improve the vessel whilst the requirements are not mandatory.<br><br>As referred to in the impact assessment, the MCA has introduced voluntary codes in the past. These Codes have failed to reduce fatalities within the Industry. Whilst work to assess current compliance with the proposed requirements identified that vessels already met a mixture of the requirements, and the Code has been written with the intention of being what a responsible owner would already be doing, previous experience of voluntary Codes means MCA is of the view that only by introducing mandatory requirements will safety be improved. |
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