

## **ANNEX 13 - ISSUE OF GUARDSHIP LOADLINE EXEMPTIONS FOR FISHING VESSELS**

### **1.0 General**

1.1 On occasion, fishing vessels are employed by the offshore industry to act as guard ships for underwater oil and gas pipelines and installations. The vessels patrol the area of operations and warn off other vessels in order to safeguard instruments and newly laid pipelines and associated equipment from damage by fishing and, at the same time, to prevent fishing vessels from damaging their gear. Fishing vessels may also be requested to conduct final checks that the sea bed has been restored for use unrestricted use by fishermen. This check is made by towing a special "DragNet" as if it was a fishing net to collect debris from the seabed.

1.2 In principle, a fishing vessel which undertakes such work becomes subject to the provisions of the MS Load Line Regulations, the Regulations concerning manning requirements, and the MS (Official Log Books) Regulations. However, following representation from Industry, it has been agreed to exempt fishing vessels so employed from these regulations provided that they comply with certain conditions, as set out below.

1.3 It should be noted that, at the time of undertaking guard ship duties, a fishing vessel must be in possession of a valid UK Fishing Vessel Certificate and items associated with hull, watertight integrity, freeboard and stability must have been inspected by an MCA surveyor within the preceding 12 months. This means any fishing vessel under 15 m LOA is not eligible for such exemption, and must be surveyed under the Workboat Code to undertake such duties.

1.4 Fishing Vessels wishing to have Load Line Exemptions for both Guardship duties and the carriage of research scientists or observers whilst the vessel is employed on contract to undertake research fishing may be issued with a single Load Line Exemption to cover both operations. Details on this are set out in the procedures contained in this Annex and Annex 14.

1.5 Nothing in this advice note should be construed as a reference to standby vessels.

### **2.0 Exemptions applicable**

2.1 Any vessel undertaking Guardship duties must have an Approved Stability Book. Under regulation 5(2) of the Merchant Shipping (Load Line) Regulations 1998, exemption will be given from the following paragraphs of those regulations:-

.1 Regulations 6(1)(b), 6(1)(c), 7, 15, & 25

### **3.0 Conditions imposed**

3.1 This exemption shall only extend to

- .1 United Kingdom territorial waters; or
- .2 to sea area A1 & A2 as defined in the Merchant Shipping (Radio)(Fishing Vessels) Regulations (SI 1999/3210) but excluding any areas north of latitude 62°N and any areas west of longitude 8°W

Note: The sea areas in 1.3 above cover the whole of the North Sea and subject to this being the extent of the application of the vessel specific UK Load Line Exemption, the Vessel can operate throughout the North Sea, SUBJECT TO THE AGREEMENT OF PORT STATES. Such an agreement exists with the Dutch and they accept UK vessels and a similar provision applies for Dutch vessels.

3. No cargo or passengers are carried.
4. The nearest MCA marine office is informed, in writing, whenever the vessel operates under the terms of this exemption.
5. This certificate must be retained onboard and available to the crew when the vessel is operating under the terms of this exemption to show that the loadline inspection has been carried out and to display the terms of this exemption.
6. A Fishing Vessel Official Logbook must be carried and maintained.
7. Manning to be in accordance with the Fishing Vessels (Certificate of Deck Officer and Engineer Officer) Regulations 1984, No.1115, as amended.
8. Fishing Vessels of 15 to less than 16.5m must be manned as follows:
  - .1 Vessels of 15m Length Overall (LOA) to less than 16.5m operating less than 3 miles from a safe haven shall either be skippered by the holder of an Under 16.5m Skippers Certificate (less than 20 miles) issued by Seafish or comply with the manning requirements for vessels of 16.5m Registered Length (L) to less than 24m (L) operating in the limited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

.2 Vessels of 15m Length Overall (LOA) to less than 16.5m operating less than 20 miles from a safe haven shall either be skippered by the holder of an Under 16.5m Skippers Certificate (beyond 20 miles) issued by Seafish or comply with the manning requirements for vessels of 16.5m Registered Length (L) to less than 24m (L) operating in the limited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

.3 Vessels of 15m (LOA) to less than 24m operating in the Limited Area but more than 20 miles from a safe haven shall comply with the manning requirements for vessels of 16.5m (L) to less than 24m (L) operating in the Limited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

.4 Vessels of 15m (LOA) to less than 24m operating in the Unlimited area shall comply with the manning requirements for vessels of less than 40m (L) operating in the Unlimited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

9. A crew agreement and crew list as required by regulation is to be maintained.
10. Vessel to be in possession of a valid UK Fishing Vessel Certificate.
11. The vessel shall only operate as a Guardship.
12. Transfer of personnel at sea is not to be carried out except in emergencies

#### **4.0 Procedure**

4.1 Surveyors who are requested to undertake survey for guardship duties should conduct as a GI survey which should be to the scope of a mid-term inspection for 15-24m vessels with all conditions on the Load Line and drills carried out to ensure loadline aspects are satisfactory and to the scope of an intermediate survey for vessels of 24m and over, with all conditions on the Load Line and drills carried out to ensure loadline aspects are satisfactory. Fees are charged at the current hourly rate for travel and survey, as laid down in the fees regulations.

4.2 A separate general inspection may be carried out.

4.3 If the vessel is less than 24m Registered Length, then MSF 2008 United Kingdom Load Line Exemption Certificate (HSSC Version) should be

used for guardship duties. If the vessel is 24m Registered Length and over then for guardship duties you should utilise the United Kingdom Load Line Exemption Certificate – MSF 1000. However, as the survey is an annual requirement the certificate should be issued with validity of one year only and the remainder of the pages cancelled. Experience has shown that issuing a four year certificate with annual inspection endorsements has been problematic.

4.4 Upon satisfactory completion of survey, a declaration MSF 1303, see below, should be completed by the surveyor and submitted to his principal.

4.5 The Consultant Surveyor should issue the MSF 1000 or MSF 2008 together with a copy of the general exemption attached.

4.6 A combined Load Line Exemption may be issued to work as a Guardship and carry research scientists/observers. All the conditions set out above in this Annex and Annex 14 shall be complied with. All steps contained within the procedure set out in Annex 14 that are additional to those steps set out in this procedure shall also be complied with.

4.7 A copy of the record of the Inspection and the Exemption, as a minimum, should be placed on a CM031/0007 file relating to the vessel.



DECLARATION OF GUARDSHIP SURVEY

VESSEL NAME & NUMBER.....

OWNER/AGENT.....

ADDRESS.....

TYPE OF VESSEL.....

HULL TYPE .....

REG. LENGTH.....YEAR OF BUILD .....

DATE OF SURVEY.....LOCATION .....

The items concerning hull, watertight integrity, freeboard & stability, as detailed in chapters 2 and 3 of the MSN 1872 or MSN1873\* have been inspected and found to be in a satisfactory condition. (\*delete as required)

EXPIRY UKFVC.....

EXPIRY LOADLINE EXEMPTION .....

GUARDSHIP DUTIES.....

SIGNED MCA SURVEYOR .....

DATE MCA OFFICE .....



Maritime &  
Coastguard  
Agency

#### GENERAL EXEMPTION APPLICABLE TO VESSELS HOLDING A VALID FISHING VESSEL CERTIFICATE

The Secretary of State, in exercise of the powers conferred by sections 48 and 294 of the Merchant Shipping Act 1995<sup>1</sup> and by Regulation 31 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015<sup>2</sup> as amended, hereby exempts from the requirements of Regulation 6(1) of those Regulations and from the provisions of the Merchant Shipping (Official Log Books) Regulations 1981<sup>3</sup> as amended, all fishing vessels holding a valid United Kingdom Fishing Vessel Certificate whilst employed either on guard duty to warn approaching vessels of impending danger or to conduct final checks that the sea bed has been restored for unrestricted use by fishermen by towing a special "DragNet" as if it was a fishing net to collect debris from the seabed.

The exemption remains valid provided the vessel is manned with deck and, if necessary, engineer officers in accordance with the Fishing Vessel (Certification of Deck and Engineer Officers) Regulations 1984<sup>4</sup>, as amended, and maintains a crew agreement and a list of crew in the form and to the extent required by the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1991<sup>5</sup> and carries Medical Stores as required by the Merchant Shipping and Fishing Vessel (Medical Stores) Regulations 1995<sup>6</sup> as amended.

Vessels of 15m Length Overall (LOA) to less than 16.5m<sup>7</sup> operating less than 3 miles from a safe haven shall either be skippered by the holder of an Under 16.5m Skippers Certificate (less than 20 miles) issued by Seafish or comply with the manning requirements for vessels of 16.5m Registered Length (L) to less than 24m (L) operating in the limited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

Vessels of 15m Length Overall (LOA) to less than 16.5m<sup>8</sup> operating less than 20 miles from a safe haven shall either be skippered by the holder of an Under 16.5m Skippers Certificate (beyond 20 miles) issued by Seafish or comply with the manning requirements for vessels of 16.5m Registered Length (L) to less than 24m (L) operating in the limited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

<sup>1</sup> 1995 C21

<sup>2</sup> SI. 2015/762

<sup>3</sup> SI. 1981/569 as amended by SI 1983/1801, SI. 1995/1828, SI. 1991/2145, SI. 1997/1511 & SI. 2002/473

<sup>4</sup> SI. 1984/1115 as amended by SI 1995/1428 & 1998/1013

<sup>5</sup> SI 1991/2144

<sup>6</sup> SI 1995/1802 as amended by SI. 1996/2821

<sup>7</sup> Registered Fishing Vessels with a history of Guardship work which may have a Loadline length of 24m or more, but a Registered length of less than 24m will be considered to be less than 24m for the purposes of this Exemption.

<sup>8</sup> Registered Fishing Vessels with a history of Guardship work which may have a Loadline length of 24m or more, but a Registered length of less than 24m will be considered to be less than 24m for the purposes of this Exemption.

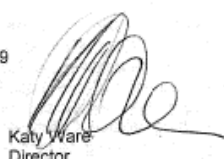
Vessels of 15m (LOA) to less than 24m operating in the Limited Area but more than 20 miles from a safe haven shall comply with the manning requirements for vessels of 16.5m (L) to less than 24m (L) operating in the Limited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

Vessels of 15m (LOA) to less than 24m operating in the Unlimited area shall comply with the manning requirements for vessels of less than 40m (L) operating in the Unlimited area as set out in the Fishing Vessels (Certification of Deck and Engineer Officers) Regulations.

An official log book shall also be maintained in the form required by the Merchant Shipping (Official Log Book) (Fishing Vessels) Regulations 1981<sup>9</sup> irrespective of the length and tonnage of the vessel.

This Exemption, which may be cancelled, or modified, by the Maritime and Coastguard Agency at any time, shall remain in force until revoked.

Dated this 14 day of FEBRUARY 2019



Katy Ware  
Director  
Maritime Safety and Standards Directorate  
Maritime and Coastguard Agency

<sup>9</sup> SI 1981/570 as amended by SI. 2002/1473