

Statutory Instrument 1999 No. 2998

The Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999

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STATUTORY INSTRUMENTS

1999 No. 2998

MERCHANT SHIPPING

SAFETY

The Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999

<i>Made</i>	<i>28th October 1999</i>
<i>Laid before Parliament</i>	<i>8th November 1999</i>
<i>Coming into force</i>	<i>1st December 1999</i>

Whereas the Secretary of State is a Minister designated^[1] for the purpose of section 2(2) of the European Communities Act 1972^[2] in relation to measures relating to the safety of ships, and the health and safety of persons on them:

And whereas, in so far as the following Regulations are made in exercise of the powers conferred by section 85 of the Merchant Shipping Act 1995^[3],

the Secretary of State has consulted the persons referred to in section 86(4) of that Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred by the said section 2(2) of the European Communities Act 1972, and by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) of the Merchant Shipping Act 1995 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999 and shall come into force on 1st December 1999.

Interpretation

2. In these Regulations -

"1975 Rules" means the Fishing Vessels (Safety Provisions) Rules 1975[4];

"1988 Regulations" means the Fishing Vessels (Life Saving Appliances) Regulations 1988[5];

"British sea-fishery officer" means the persons referred to in section 7 of the Sea Fisheries Act 1968[6];

"Council Directive" means Council Directive 97/70/EC[7] setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992[8] as adjusted by the Protocol signed at Brussels on 17th March 1993[9];

"EEA State" means a State which is a Contracting Party to the EEA Agreement;

"exclusive economic zone" means the area beyond and adjacent to the territorial sea not extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

"existing fishing vessel" means a fishing vessel which is not a new fishing vessel;

"flag State" means the State whose flag the ship flies;

"heavy drift ice" means drift ice covering 80% or more of the sea surface;

"inspector" means any person appointed by the Secretary of State, either generally or in a particular case, to exercise powers under these

Regulations;

"length" means, unless provided otherwise, 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

"MCA" means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;

"Merchant Shipping Notice" means a Notice described as such and issued by the MCA;

"new fishing vessel" means a fishing vessel for which:

(a) on or after 1st January 1999 the building or major conversion contract is placed;

(b) the building or major conversion contract has been placed before 1st January 1999, and which is delivered three years or more after that date; or

(c) in the absence of a building contract, on or after 1st January 1999:

- the keel is laid, - construction identifiable with a specific ship begins, or - assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

"Northern Region" means the waters north of the boundary defined by the parallel of latitude 62°N from the west coast of Norway to latitude 4°W, thence the meridian of longitude 4°W to latitude 60°30'N, thence the parallel of latitude 60°30'N to longitude 5°W, thence the meridian of longitude 5°W to latitude 60°N, thence the parallel of latitude 60°N to longitude 15°W, thence the meridian of longitude 15°W to latitude 62°N, thence the parallel of latitude 62°N to longitude 27°W, thence the meridian of longitude 27°W to latitude 59°N and thence the parallel of latitude 59°N to the west, excluding the Baltic Sea;

"operating" means catching or catching and processing fish or other living resources of the sea without prejudice to the right of innocent passage in the territorial sea and the freedom of navigation in the exclusive economic zone;

"Southern Region" means the Mediterranean Sea and the coastal areas, within 20 miles from the coast of Spain and Portugal, of the summer zone of the Atlantic Ocean, as defined on the "Chart of zones and seasonal areas" in Annex II to the 1966 International Convention on Load Lines, as amended^[10];

"third party fishing vessel" means a fishing vessel flying the flag of a State which is not an EEA State;

"Torremolinos Protocol" means the Torremolinos Protocol^[11] relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977^[12], together with the amendments thereto;

"United Kingdom fishing vessel" means a fishing vessel registered in the United Kingdom, and "new United Kingdom fishing vessel" means such a vessel which is a new fishing vessel.

Amendment of Regulations

3. - (1) The Fishing Vessels (Safety Provisions) Rules 1975 shall be amended in accordance with Schedule 1 to these Regulations.

(2) The Fishing Vessels (Life Saving Appliances) Regulations 1988 shall be amended in accordance with Schedule 2 to these Regulations.

Purpose

4. The purpose of these Regulations is to implement the Council Directive.

Application

5. - (1) Subject to paragraph (2) below, these Regulations apply to fishing vessels of 24 metres or more in length.

(2)

(a) Parts II and V apply only to United Kingdom fishing vessels.

(b) Part III applies only to fishing vessels which are not United Kingdom fishing vessels.

PART II

UNITED KINGDOM FISHING VESSELS OF 24 METRES OR MORE IN LENGTH

General compliance with Torremolinos Protocol

6. New and existing United Kingdom fishing vessels shall comply with the requirements of Chapters II to VIII and X of the Annex to the Torremolinos Protocol, subject to the modifications set out in Schedule 3 hereto, appropriate to new and existing fishing vessels respectively.

Standards for design, construction and maintenance

7. In complying with the requirements of these Regulations, as respects construction or maintenance relating to hull, machinery, electrical installations and control installations, United Kingdom fishing vessels shall comply with the approved standards listed in Merchant Shipping Notice No. M. 1672 relevant to those requirements.

Repairs, alterations and modifications

8. - (1) Subject to paragraph (2), an existing fishing vessel which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with the requirements in the 1975 Rules and the 1988 Regulations previously applicable to such a vessel.

(2) Repairs, alterations and modifications of a major character and outfitting related thereto shall meet the requirements in these Regulations for a new vessel only to the extent of such repairs, alterations and modifications and in so far as those requirements are, in the opinion of the Secretary of State, reasonable and practicable.

Surveys

9. - (1) Every fishing vessel shall be subject to survey in accordance with Regulation 6 of Chapter I of the Annex to the Torremolinos Protocol.

(2) All such surveys shall be carried out by the MCA or any person who may be appointed by the Secretary of State to carry out such surveys, or any part thereof, on his behalf.

Issue of certificates

10. - (1) If the Secretary of State is satisfied that a fishing vessel complies with regulations 6 and 7 he shall issue a certificate of compliance with the terms of these Regulations, supplemented by a record of equipment and, where appropriate, exemption certificates. The certificate of compliance, record of equipment and exemption certificate shall be in the form set out in Annex V to the Council Directive.

(2) The periods of validity of the certificates referred to in paragraph (1) shall not exceed those established in Regulation 11 of Chapter I of the Annex to the Torremolinos Protocol. Renewal of the certificate of compliance shall be issued after periodical surveys, in accordance with Regulation 6 of Chapter I of the Annex to the Torremolinos Protocol, have been carried out.

Cancellation of certificates etc.

11. - (1) The Secretary of State may cancel a certificate issued to a United Kingdom fishing vessel where he has reason to believe the certificate was issued on false or erroneous information.

(2) The Secretary of State may require that a certificate issued to a United Kingdom fishing vessel which has expired, ceased to be valid pursuant to Regulation II(3) (a) or (b) of the Torremolinos Protocol or has been cancelled, be surrendered as directed.

(3) No person shall:

- (a) intentionally alter a certificate referred to in these Regulations;
- (b) intentionally make a false certificate referred to in these Regulations;
- (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations;
- (e) fail to surrender a certificate required to be surrendered under paragraph (2) above; or
- (f) in Scotland, forge any certificate referred to in these Regulations.

Availability of certificates

12. A certificate issued under these Regulations shall be readily available on board for inspection at all times.

Prohibition on proceeding to sea without certificate

13. - (1) No United Kingdom fishing vessel shall proceed to sea without a valid certificate referred to in regulation 10 above.

(2) The skipper of any United Kingdom fishing vessel shall on demand

produce to any officer of customs and excise or of the Secretary of State or to any British sea-fishery officer any certificate required by these Regulations; and the fishing vessel may be detained until the certificate is so produced.

Penalties

14. - (1) Any contravention of regulation 6 or 7 shall be an offence by the owner and skipper, punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

(2) If any United Kingdom fishing vessel goes, or attempts to go, to sea without a valid certificate referred to in regulation 10 above then the owner and skipper shall each be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years and a fine.

Exemptions

15. - (1) The Secretary of State may exempt any United Kingdom fishing vessel which embodies features of a novel kind from any of the requirements of Chapters II, III, IV, V, and VII of the Annex to the Torremolinos Protocol as modified by Schedule 3 hereto, the application of which might seriously impede research into the development of such features and their incorporation in vessels. Any such vessel shall, however, comply with safety requirements which, in the opinion of the Secretary of State, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel.

(2) The Secretary of State may exempt any United Kingdom fishing vessel engaged solely in fishing near the coast of the United Kingdom from any of the requirements of these Regulations if he considers that their application is unreasonable and impracticable in view of the distance of the vessel's operating area from its port of departure in the United Kingdom, the type of vessel, the weather conditions and the absence of general navigational hazards, provided that it complies with safety requirements which, in the opinion of the Secretary of State, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel.

Equivalents

16. - (1) Where these Regulations require that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or that particular provisions shall be made, the Secretary of State shall permit the hull or machinery of the ship to be constructed in any other manner, or any other equipment to be provided or other provision made, if he is satisfied by trial thereof or otherwise that such other construction, equipment or provision is at least as effective as that required by these Regulations.

(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out -

(a) in accordance with these Regulations or with a Standard, 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

(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.

PART III

NON-UNITED KINGDOM FISHING VESSELS

Control provisions

17. - (1) Fishing vessels operating in United Kingdom waters or landing their catch in the United Kingdom shall be subject to control by an inspector in accordance with Article 4 of the Torremolinos Protocol and without discrimination with regard to flag or nationality of the operator, in order to verify that they comply with the Council Directive.

(2) Fishing vessels, which are not operating in United Kingdom waters nor landing their catch in the United Kingdom and flying the flag of another EEA State, shall be subject to control by an inspector when in United Kingdom ports, in accordance with Article 4 of the Torremolinos Protocol and without discrimination with regard to flag or nationality of the operator, in order to verify that they comply with the Council Directive.

(3) Fishing vessels flying the flag of a third State, which are not operating in United Kingdom waters nor landing their catch in the United Kingdom, shall be subject to control by an inspector when in United Kingdom ports in accordance with Article 4 of the Torremolinos Protocol, in order to verify their compliance with the Torremolinos Protocol, once it has entered into force.

PART IV

DETENTION

Detention

18. - (1) In any case where a United Kingdom fishing vessel does not comply with the requirements of regulation 6 or 7, it shall be liable to be detained.

(2) Where the steps taken by an inspector carrying out the control provisions of Part III involve detention of the vessel, or in the event of detention under paragraph (1), then section 284 of the Merchant Shipping Act 1995[13] (which relates to the detention of a ship) shall have effect in relation to the vessel, subject to the modification that for the words "this Act", wherever they appear, there shall be substituted "the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999".

PART V

AMENDMENT OF LEGISLATION

Fishing vessel certificates

19. Any reference in an enactment (other than Chapter II of Part V of the Merchant Shipping Act 1995), in whatever form, to a fishing vessel

certificate under section 123 of the Merchant Shipping Act 1995 shall include a reference to a certificate issued, or required to be in force, under regulation 10.

Signed by authority of the Secretary of State

Keith Hill
Parliamentary Under-Secretary of State Department of the Environment,
Transport and the Regions

28th October 1999

SCHEDULE 1

Regulation 3(1)

AMENDMENTS TO FISHING VESSELS (SAFETY PROVISIONS)
RULES 1975

1. In Rule 1(2)(a), for "sub-paragraph (b)" there shall be substituted "Rule 1A and sub-paragraph (b)"^[14].

2. After Rule 1 the following Rule shall be inserted:

**" New United Kingdom fishing vessels of 24 metres or over in length
1A**

(1) These Rules, other than the Rules listed in paragraph (2), do not apply to fishing vessels to which Part II of the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999 applies.

(2) The following Rules continue to apply to such vessels:

16A, 20A, 54A, 54B, 65A, 65B, 72A, 125A, 125B and 125C."^[15].

3. In the title of Rule 67, for "45" there shall be substituted "24" and for Rule 67 there shall be substituted:

" 67. Every vessel of 12 metres in length and over but less than 24 metres in length to which these Rules apply shall be provided with an overhead or other suitable type of compass capable of being properly compensated."

4. In Rule 69, after the word "over" there shall be inserted the words "but less than 24 metres in length".

5. For Rule 71 there shall be substituted:

" **71.** Every vessel of 12 metres in length and over but less than 24 metres in length to which these Rules apply shall be provided with an efficient signalling lamp capable of being used both by day and by night and which shall be provided with a battery of sufficient capacity to operate the lamp continuously for not less than two hours."

6. For Rule 120 there shall be substituted:

" **120.** In vessels of 12 metres in length and over but less than 24 metres in length to which these Rules apply the skipper shall ensure that the crew are trained in the use of all life-saving and fire appliances and equipment with which the vessel is provided and shall ensure that all members of the crew know where the equipment is stowed and such training shall be carried out at intervals of not more than one month."

7. After Rule 126A[16] the following Rule shall be inserted:

" **126B.**

(1) Notwithstanding Rule 126, for fishing vessels of 24 metres in length and over, where, on or after 1st January 2000, the Secretary of State is satisfied that the vessel complies with the requirements in these Rules and in the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999 applicable to such a vessel he shall issue a certificate of compliance supplemented by a record of equipment and, where appropriate, exemption certificate. The certificate of compliance, record of equipment and exemption certificate shall be in the form set out in Annex V to Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.

(2) References to a fishing vessel certificate in these Rules (except in Rule 126), and in sections 123 to 126 of the Merchant Shipping Act 1995, shall include a reference to a certificate issued under paragraph (1)."

8. The following Rules are hereby revoked:

66, 76(3)(a), 77(5)(a), and 119.

SCHEDULE 2

Regulation 3(2)

**AMENDMENT TO FISHING VESSELS (LIFE-SAVING APPLIANCES)
REGULATIONS 1988**

In Regulation 2(4), after the words "fishing vessels" there shall be inserted the words "of less than 24 metres in length".

SCHEDULE 3

Regulation 6

MODIFICATION OF THE PROVISIONS OF THE ANNEX TO THE TORREMOLINOS PROTOCOL INTRODUCED BY ANNEXES I TO IV TO THE COUNCIL DIRECTIVE

CHAPTER II - CONSTRUCTION, WATERTIGHT INTEGRITY AND EQUIPMENT

1. After Regulation 15 there shall be added new Regulations as follows:

" Regulation 16

Working decks within an enclosed superstructure

(1) Such decks shall be fitted with an efficient drainage system having an appropriate drainage capacity to dispose of washing water and fish guts.

(2) All openings necessary for fishing operations shall be provided with means for quick and efficient closure by one person.

(3) Where the catch is brought on to such decks for handling or processing, the catch shall be placed in a pound. Such pounds shall comply with Regulation 11 of Chapter III. An efficient drainage system shall be fitted. Adequate protection against inadvertent influx of water to the working deck shall be provided.

(4) At least two exits from such decks shall be provided.

(5) The clear headroom in the working space shall at all points be not less than two metres.

(6) A fixed ventilation system providing at least six changes of air per hour shall be provided.

Regulation 17

Draught marks

(1) All ships shall be provided with draught marks in decimetres on the stem and the stern on both sides.

(2) Such marks shall be placed as close as practicable to the perpendiculars.

Regulation 18

Tanks for fish in refrigerated (RSW) or chilled (CSW) sea water.

(1) If RSW or CSW tanks or similar tank systems are used, such tanks shall be provided with a separate, permanently fitted arrangement for the filling and emptying of seawater.

(2) If such tanks are to be used also for carrying dry cargo, the tanks shall be arranged with a bilge system and provided with adequate means to avoid ingress of water from the bilge system into the tanks."

CHAPTER III - STABILITY AND ASSOCIATED SEAWORTHINESS

2. In Regulation 7 after paragraph (1)(d) there shall be added:

" In addition, for vessels operating in the "Northern Region" the following operating conditions shall also be considered:

(e) operating condition (b), (c) or (d), whichever produces the lowest values of the stability parameters contained in the stability criteria listed in Regulation 2, shall be calculated including allowance for ice accretion in accordance with the provisions of Regulation 8;

(f) for purse seiners, departure from the fishing grounds with the fishing gear, no catch and 30 per cent stores, fuel, etc. including allowance for ice accretion in accordance with the provisions of Regulation 8."

3. In Regulation 8 after paragraph (2) there shall be added:

" (3). The specific requirements of paragraphs (1) and (2) and the specific guidance given in Recommendation 2 by the Torremolinos Conference shall be applied within the Northern Region, i.e. also outside the boundaries shown in the chart accompanying the said Recommendation.

(4). Notwithstanding the provisions of paragraph (1)(a) and (b) the following icing allowance shall be made in the stability calculations for vessels operating in the area north of latitude 63°N between longitude 28°W and longitude 11°W:

(a) 40 kg/m² on exposed weather decks and gangways;

(b) 10 kg/m² for projected lateral area of each side of the vessel above the water plane."

4. In Regulation 9 after paragraph (3) there shall be added:

" (4). The inclining test and determination of conditions required by Regulation III/9 (1) shall be performed at least every ten years."

CHAPTER IV - MACHINERY AND ELECTRICAL INSTALLATIONS AND PERIODICALLY UNATTENDED MACHINERY SPACES

5. For Regulation 1 there shall be substituted:

" Unless expressly provided otherwise, this Chapter shall apply to new fishing vessels of 24 metres in length and over."

6. In Regulation 7 at the end there shall be added:

" , except that in vessels of less than 45 metres in length, where the propulsion machinery is directly controlled from the wheelhouse, the Secretary of State may accept means of communication other than an engine room telegraph."

7. In Regulation 8 at the end of paragraph (1)(d) there shall be added:

" On vessels of less than 45 metres in length the Secretary of State may permit the control station in the machinery space to be an emergency station only, provided that the monitoring and control in the wheelhouse is adequate."

8. In Regulation 13 at the end of paragraph (10) there shall be added:

" If this power source is electrical, the emergency source of electrical power shall be capable of serving the auxiliary means for activating the rudder for a period of at least ten minutes."

9. In Regulation 16 at the end of paragraph (1)(b) there shall be added:

" However, in vessels of less than 45 metres in length, in the event of any one of the generating sets being stopped, it shall only be necessary to ensure the functioning of the services essential for propulsion and safety of the vessel."

10. In Regulation 16 after paragraph (2) there shall be added:

" (3). Navigation lights, if solely electrical, shall be supplied through their own separate switchboard and adequate means for the monitoring of such lights shall be provided."

11. In Regulation 17 after paragraph (2) there shall be added:

" (2A). Notwithstanding paragraph (2), for vessels of 45 metres in length and over, the emergency source of electrical power shall be capable of serving the installations listed in that Regulation for a period of not less than eight hours."

12. In Regulation 17, paragraph (6), after the words "in accordance with this Regulation" there shall be inserted:

" , other than batteries fitted for the radio transmitter and receiver in vessels of less than 45 metres in length,"

13. In Regulation 22 at the end of paragraph (2)(a) there shall be added:

" However, in vessels of less than 45 metres in length the Secretary of State may permit the system to be capable of sounding and indicating visually each separate alarm function in the wheelhouse only."

14. In Regulation 22, paragraph (2)(b), for the words "The alarm system" there shall be substituted the words "In vessels of 45 metres in length and over the alarm system".

15. In Regulation 22, paragraph (2)(c), for the words "An engineer's" there shall be substituted the words "In vessels of 45 metres in length and over an engineer's".

**CHAPTER V - FIRE PROTECTION, FIRE DETECTION, FIRE
EXTINCTION AND FIRE FIGHTING**

16. In Regulation 2, paragraph (2), for the words from "The standard time-temperature" to "925°C" there shall be substituted:

" The standard time-temperature curve is defined by a smooth curve drawn through the following internal furnace temperature points:

initial internal furnace temperature	20°C
at the end of the first 5 minutes	576°C
at the end of 10 minutes	679°C
at the end of 15 minutes	738°C
at the end of 30 minutes	841°C
at the end of 60 minutes	945°C."

17. In Regulation 2, paragraph (14)(b), for "750kW" there shall be substituted "375 kW".

18. In Regulation 22 after paragraph 6 there shall be added:

" (7). Notwithstanding the provisions of this Regulation, all machinery spaces of category A shall be fitted with a fixed fire extinguishing arrangement."

19. In PART C for the title there shall be substituted:

" PART C - FIRE SAFETY MEASURES IN VESSELS OF 24 METRES IN LENGTH AND OVER BUT LESS THAN 60 METRES".

20. In Regulation 35, paragraph (1)(b), after the words "propeller is fitted" there shall be inserted the word ", and".

21. In Regulation 35 after paragraph (1)(b) there shall be added:

" (c) Notwithstanding the provisions of (a) and (b), at least two fire pumps shall always be provided."

22. In Regulation 35, paragraph (8), after the words "required by paragraph (7)" there shall be added the words "or 25m³/h, whichever is the greatest."

23. In Regulation 40, paragraph (1)(a), for "750kW" there shall be substituted "375 kW".

24. In Regulation 40 after paragraph (5) there shall be added:

" (6). Notwithstanding the provisions of this Regulation, all machinery spaces of category A shall be fitted with a fixed fire extinguishing arrangement."

CHAPTER VII - LIFE-SAVING APPLIANCES AND ARRANGEMENTS

25. In Regulation 1, paragraph (1), for the words "45 metres in length" there shall be substituted the words "24 metres in length".

26. In Regulation 1, paragraph (2), the words ", or the date of entry into force of the Protocol, whichever occurs later" shall be omitted.

27. In Regulation 5, paragraph (3), for the beginning of the paragraph, there shall be substituted:

" Vessels of less than 75 metres in length but of 45 metres in length and over shall comply with the following:"

28. In Regulation 5 after paragraph (3) there shall be added:

" (3A). Vessels of less than 45 metres in length shall be provided with:

(a) survival craft of sufficient aggregate capacity to accommodate at least 200% of the total number of persons on board. Sufficient of these survival craft to accommodate at least the total number of persons on board shall be capable of being launched from either side of the vessel; and

(b) a rescue boat, except where the Secretary of State is satisfied that, because of the size and the manoeuvrability of the vessel, the near availability of search and rescue facilities and meteorological warning systems, the operation of the vessel in areas not susceptible to heavy weather or the seasonal characteristics of the operation, such provision is unnecessary.".

29. In Regulation 5, paragraph (4), for the words "paragraphs (2)(a) or (3)(a)" there shall be substituted the words "paragraphs (2)(a), (3)(a) or (3A)(a)".

30. In Regulation 5 after paragraph (6) there shall be added:

" (7). Notwithstanding the provisions of paragraphs (2)(b), (3)(b) and (3A), for fishing vessels whose hull is built to comply with the rules of a recognised organisation for operation in waters with heavy drift ice concentration in compliance with Regulation 1 paragraph (2) of Chapter II of the Annex to the Torremolinos Protocol, the rescue boat/lifeboat required in paragraphs (2)(b), (3)(b) or (3A)(b) shall at least be partially covered (as defined in Regulation 18) and shall have sufficient capacity to accommodate all persons on board.".

31. In Regulation 9, paragraph (1), at the end there shall be added:

" For vessels of less than 45 metres in length, operating in the Southern Region, the number of immersion suits need not be greater than two.".

32. In Regulation 9 after paragraph (5) there shall be added:

" (6). For vessels operating in the Northern Region, notwithstanding the provisions of paragraphs (1) to (5) an approved immersion suit, of an appropriate size, complying with the provisions of Regulation 25 shall be provided for every person on board."

33. In Regulation 10 for paragraph (1)(b) there shall be substituted:

" (b) six lifebuoys in vessels of less than 75 metres in length but 45 metres in length and over,".

34. In Regulation 10 after paragraph (1)(b) there shall be added:

" (c) four lifebuoys in vessels of less than 45 metres in length."

35. In Regulation 13, paragraph (1) shall be read as paragraph (1)(a).

36. In Regulation 13 after paragraph (1)(a) there shall be added:

" (b) However, for vessels of less than 45 metres in length the number of such apparatus may be reduced to two, if the Secretary of State considers the requirement to carry three such apparatus unnecessary taking into account the operation area of the vessel and the number of persons employed on board."

37. In Regulation 13, paragraph (2), the words "or the date of entry into force of this Protocol, whichever occurs later" shall be omitted.

38. Regulation 14 shall be read as Regulation 14 paragraph (1) and at the end there shall be added:

" On every vessel of less than 45 metres in length at least one radar transponder shall be carried."

39. In Regulation 14 after paragraph (1) there shall be added:

" (2). Notwithstanding the provisions of paragraph (1), for vessels operating in the Northern Region, every lifeboat, rescue boat and life-raft shall permanently be equipped with an approved radar transponder capable of operating in the 9GHz band."

40. In Regulation 25 after paragraph (3) there shall be added:

" (4). Notwithstanding the provisions of paragraphs (1) to (3) all immersion suits required under Regulation 9 paragraph (6) shall, as a single unit, be made of material with inherent insulation and shall also comply with the buoyancy requirements of Regulation 24 paragraph (1)(c)(i). All other relevant requirements of Regulation 25 shall also be complied with."

CHAPTER X - SHIPBORNE NAVIGATIONAL EQUIPMENT

41. In Regulation 3 for paragraph (7) there shall be substituted:

" (7)

(a). In vessels of less than 35 metres where radar is fitted, the installation shall be to the satisfaction of the Secretary of State.

(7)

(b). Notwithstanding the provisions of paragraph (a) vessels of less than 35 metres in length operating in the Northern Region shall be fitted with a radar installation to the satisfaction of the Secretary of State. This radar installation shall be capable of operating in the 9 Ghz band."

42. In Regulation 5 after paragraph (3) there shall be added:

" (4). In addition to the provisions of paragraphs (1) to (3), every vessel shall, when operating in waters where drift ice may occur, be fitted with at least one searchlight with a lighting capacity of at least 1 lux, measured at a distance of 750 metres."

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations give effect in part to Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (OJ L34, 9.2.98, p.1) as amended by Commission Directive 1999/19/EC (OJ L83, 27.3.99, p.48) which is not relevant to these Regulations ("the Council Directive"). The Council Directive essentially provides for compliance with the Torremolinos Protocol (Cmnd. 3339) relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977 (Cmnd. 7252) ("the Torremolinos Protocol").

2. In particular, regulation 6 (general compliance with the Torremolinos Protocol) gives effect to Article 3 of the Council Directive; regulation 7 (standards for design, construction and maintenance) gives effect to Article 5; regulations 9 and 10 (surveys and issue of certificates) give effect to Article 6; and regulation 17 (control provisions) gives effect to Article 7.

3. The Regulations primarily affect new (post 1st January 1999) fishing vessels. In relation to new United Kingdom fishing vessels of 24 metres or more in length:

(a) the Fishing Vessels (Safety Provisions) Rules 1975 (S.I. 1975/330), as amended ("the 1975 Rules") cease to apply, except for certain Rules which implement requirements in other EC Directives, and provisions for survey of radio equipment (*Schedule 1, paragraphs 1 and 2 and Schedule 2*);

(b) such vessels are instead required to comply with Chapters II to VIII and X of the Torremolinos Protocol as modified in Schedule 3 to the Regulations (*regulation 6*);

(c) new survey and certification requirements are imposed (*regulations 10 to 13*); and

(d) references in other enactments to fishing vessel certificates (other than under Chapter II of Part V of the Merchant Shipping Act 1995) include references to certificates under these Regulations (regulation 19).

4. For existing UK fishing vessels of 24 metres or more in length the 1975 Rules in general continue to apply except for matters covered by the Torremolinos Protocol. A certificate of compliance, record of equipment and exemption certificate (if appropriate) in a form set out in Annex V to the Council Directive will be issued in addition to any certificates required under the 1975 Rules. From 1st January 2000 certificates are to be issued in accordance with paragraph 7 of Schedule 1 to these Regulations which adds Rule 126B to the 1975 Rules.

5. Non-United Kingdom fishing vessels are now subject to control in certain circumstances (regulations 17 and 18(2)).

6. A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 01703 329130).

7. Merchant Shipping Notices are obtainable from EROS Marketing Support Services, Delta House, the Imber Court Business Park, Orchard Lane, East Molesey, Surrey KT8 0BN (telephone number 0181 957 5028). Copies of the Torremolinos Protocol can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.

Notes:

[1] S.I. 1993/595.[back](#)

[2] 1972 c. 68; by virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic Area Act 1993 (c. 51) regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cmnd. 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cmnd. 2183).[back](#)

[3] 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.[back](#)

[4] S.I. 1975/330, amended by S.I. 1975/471, 1976/432, 1977/313, 1977/498, 1978/1598, 1978/1873, 1981/567, 1991/1342, 1996/2419 and 1998/928.[back](#)

[5] S.I. 1988/38, amended by S.I. 1998/927.[back](#)

[6] 1968 c. 77.[back](#)

[7] OJ L34, 9.2.98, p. 1, amended by Commission Directive 1999/19/EC

(OJ L83, 27.3.99, p. 48) which is not relevant to these Regulations.[back](#)

[8] Cmnd. 2073.[back](#)

[9] Cmnd. 2183.[back](#)

[10] Cmnd. 3070.[back](#)

[11] Cmnd. 3339.[back](#)

[12] Cmnd. 7252.[back](#)

[13] Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1, paragraph 5.[back](#)

[14] Rule 1(2) was substituted by S.I. 1998/928, Rule 4.[back](#)

[15] Rules 16A, 20A, 54A, 54B, 65A, 65B and 72A were inserted by S.I. 1998/928, Rules 8, 9, 13, 16 and 17 respectively; Rules 125A, 125B and 125C were inserted by S.I. 1991/1342, Rule 4 and amended by S.I. 1996/2419, Rule 2.[back](#)

[16] Rule 126A was inserted by S.I. 1977/313, Rule 3(6).[back](#)

ISBN 0 11 085486 1