Statutory Instrument 1999 No. 3210

The Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999

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STATUTORY INSTRUMENTS

1999 No. 3210

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999

Made	*30th November 1999*
Laid before Parliament	*6th December 1999*
Coming into force	*1st January 2000*

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995[1], in exercise of the powers conferred by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) and (2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

PART I

GENERAL

Citation and commencement
1. These Regulations may be cited as the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999 and shall come into force on 1st January 2000.

Revocations and amendment of Rules and Regulations
2. - (1) Except in relation to non-Directive fishing vessels which are registered in the United Kingdom, the following Rules are hereby revoked:

The Merchant Shipping (Radio) (Fishing Vessels) Rules 1974[2];

The Merchant Shipping (Radio) (Fishing Vessels) (Amendment) Rules 1982[3]; and

The Merchant Shipping (Radio) (Fishing Vessels) (Amendment) Rules 1994[4].

(2) The Fishing Vessels (Safety Provisions) Rules 1975[5] shall be amended by substituting for Rule 125A the following:

" Radio Surveys
125A. A surveyor appointed in accordance with rule 125C shall carry out a survey (a "radio survey") to ascertain whether the vessel complies with such of the following requirements as apply to it, viz:

Rules 78(3)(a) and 79(b) of these Rules;

the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999[6].".

(3) The Fishing Vessels (Life-Saving Appliances) Regulations 1988[7] shall be amended by omitting:

(a) in regulation 2(1) the following definitions:

"EPIRB";

"expiry date";

(b) regulation 3; and

(c) in regulation 8(1) "3,".

(4) The Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999[8] shall be amended as follows:

(a) in regulation 2, after the definition of "operating" there shall be inserted:

" "Radio Regulations" means the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999;";

(b) in regulation 11(2), for "Regulation II(3)(a) or (b)" there shall be substituted "Regulation 11(5)(a) or (b) of Chapter I";

(c) at the end of regulation 14, there shall be added:

" (3) If the owner or skipper of a fishing vessel fails without reasonable excuse to comply with a requirement made under regulation 11(2) above, he shall be liable on summary conviction to a fine of an amount not exceeding level 2 on the standard scale.

(4) Any contravention of regulation 11(3) above shall be 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.";

(d) in Schedule 3, for the heading there shall be substituted:

" MODIFICATIONS OF THE PROVISIONS OF THE ANNEX TO THE TORREMOLINOS PROTOCOL

PART I

Modifications introduced by Annexes I to IV to the Council Directive

"; and

(e) in Schedule 3, after paragraph 42 there shall be added:

" PART II

Other modifications

CHAPTER I - GENERAL PROVISIONS
1. In Regulation 6(1)(b)(iii), for "Chapters VII, IX and X" there shall be substituted "Chapters VII and X and in the Radio Regulations".

CHAPTER IV - MACHINERY AND ELECTRICAL INSTALLATIONS AND PERIODICALLY UNATTENDED MACHINERY SPACES
2. In Regulation 17(2), for sub-paragraph (a) there shall be substituted:

" (a) the VHF radio installation required by regulation 10(a) and (b) of the Radio Regulations, and if applicable:

(i) the MF radio installation required by regulation 12(1)(a) and (b) and regulation 13(1) paragraphs (b) and (c) of ALTERNATIVE A of the Radio Regulations;

(ii) the ship earth station required by regulation 13(1)

paragraph (a) of ALTERNATIVE A of the Radio Regulations; and

(iii) the MF/HF radio installation required by regulation 13(1) paragraphs (a) and (b) of ALTERNATIVE B and regulation 14 of the Radio Regulations;".

CHAPTER VII - LIFE-SAVING APPLIANCES AND ARRANGEMENTS

3. In the footnote reference "

- **" to Regulation 14(1), for "Regulation IX/6(1)(c)" there shall be substituted "regulation 10(c) of the Radio Regulations".".**

Interpretation

3. - (1) In these Regulations:

"Admiralty List of Radio Signals" means the document so entitled published by the Hydrographer of the Navy and any subsequent List containing the like information which the Hydrographer of the Navy considers relevant from time to time which replaces the Admiralty List of Radio Signals or replaces any subsequent List containing the like information; and a reference to any such List includes a reference to any Admiralty Notice to Mariners amending the same which the Hydrographer of the Navy considers relevant from time to time;

"Admiralty Notice to Mariners" means a notice described as such published by the Hydrographer of the Navy;

"area A1 vessel" means a vessel which goes to sea in sea area A1 only;

"area A2 vessel" means a vessel which goes to sea in sea area A2 only, or in sea areas A1 and A2;

"area A3 vessel" means a vessel which goes to sea in sea area A3 only, or in sea area A3 and also in sea area A1 or A2 or both those sea areas;

"area A4 vessel" means a vessel which goes to sea in sea area A4 only, or in sea area A4 and also in one or more of sea areas A1, A2 and A3;

"continuous listening watch" means a radio watch which is not interrupted other than for brief intervals when the ship's receiving capability is impaired or blocked by its own communications or when the facilities are under periodical maintenance or checks;

"Cospas-Sarsat satellite service" means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"the Council Directive" means Council Directive 97/70/EC[9] setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;

"Directive fishing vessel" means a new fishing vessel of 24 metres or more in length, and an existing fishing vessel of 45 metres or more in length;

"DSC" means Digital Selective Calling being a technique using digital codes which enables a radio station to establish contact with, and transfer information to, another station or group of stations, and complying with the relevant

recommendations as specified in a Merchant Shipping Notice;

"DSC watch" means listening for an audible alarm from a vessel's DSC equipment on VHF (channel 70), MF (2,187.5 kHz) or HF (8,414.5 kHz);

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992[10] as adjusted by the Protocol signed at Brussels on 17th March 1993[11];

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

"EPIRB" means an emergency position indicating radio beacon capable of transmitting a distress alert either through the Cospas-Sarsat satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 MHz band;

"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;

"general radio communications" means operational and public correspondence traffic, other than distress, urgency and safety messages, conducted by radio;

"GMDSS" means the Global Maritime Distress and Safety System;

"HF" means the frequency spectrum between 3000 kHz and 30 MHz

"Hydrographer of the Navy" means the person for the time being appointed to that office by the Admiralty Board;

"INMARSAT" means the Organisation established by the Convention on the International Maritime Satellite Organisation adopted on 3rd September 1976;

"INMARSAT - C" means an INMARSAT ship earth station capable of transmitting and receiving direct printing communications with enhanced group calling equipment for use in the GMDSS;

"INMARSAT enhanced group calling system" means the SafetyNET service by which INMARSAT distributes meteorological, navigational and search and rescue messages to vessels fitted with an enhanced group calling system receiver;

"INMARSAT geostationary satellite service" means the mobile satellite service provided by INMARSAT through its geostationary satellites;

"INMARSAT ship earth station" means a terminal in the mobile-satellite service located on board a vessel which is not permanently moored;

"International NAVTEX Service" means the co-ordinated broadcast and automatic reception on the frequency 518 kHz of maritime safety information by means of narrow-band direct-printing telegraphy using the English language;

"ITC Radio Regulations" means the Radio Regulations annexed to the most recent International Telecommunication Convention which is in force at any time;

"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, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending that Notice;

"MF" means the frequency spectrum between 300 and 3000 kHz;

"MF coast station" means a radio communication service located on the coast offering services in the medium frequency (300-3000kHz);

"mobile-satellite service" means a radio communication service between-

(a) Mobile earth stations and one or more space stations, or between space stations used by this service; or

(b) mobile earth stations by means of one or more space stations,

and this service may also include feeder links necessary for its operation;

"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;

"non-Directive fishing vessel" means a new fishing vessel of 12 metres or more but less than 24 metres in length, and an existing fishing vessel of 12 metres or more but less than 45 metres in length;

"Organization" means the International Maritime Organization;

"radio communication" means telecommunication by means of radio waves;

"radio communication service" means a service as defined in the ITC Radio Regulations involving the transmission, emission and/or reception of radio waves for specific telecommunication purposes;

"radio installation" means any radio installation provided on board a ship in

compliance with these Regulations, including its associated antennas, interconnecting circuits and, where appropriate, sources of electrical energy;

"renewal survey" means a survey required to be undertaken in accordance with Rule 124 of the Fishing Vessels (Safety Provisions) Rules 1975 before a further United Kingdom fishing vessel certificate may be issued under Rule 128 of those Rules;

"satellite EPIRB" means an EPIRB which is in the mobile-satellite service;

"sea area A1" means an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

"sea area A2" means an area, excluding sea area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

"sea area A3" means an area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

"sea area A4" means any area of the sea which is not sea area A1, A2 or A3;

"Torremolinos Protocol" means the Torremolinos Protocol[12] relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977[13], together with the amendments thereto;

"VHF" means the frequency spectrum between 30 MHz and 300 MHz.

(2) For the purposes of these Regulations, a fishing vessel shall be treated as being at sea at any time when it is not securely moored in a safe berth.

(3) For the purposes of regulations 21 and 30, "operates" means, in relation to a fishing vessel, catches or catches and processes 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; and "operating", in relation to a fishing vessel, shall be construed accordingly.

Purpose
4. The purpose of these Regulations (except Part III) is to implement the Council Directive.

Application
5. - (1) Regulations 7 to 9 and Part II apply to Directive fishing vessels which are registered in the United Kingdom.

(2) Regulations 7 to 9 and, subject to paragraphs (3) and (4), Part III apply to non-Directive fishing vessels which are registered in the United Kingdom.

(3) Before the date referred to in paragraph (4), non-Directive fishing vessels which are registered in the United Kingdom may, instead of complying with the requirements of Part III of these Regulations, comply with the provisions contained in Parts II and III of the Merchant Shipping (Radio) (Fishing Vessels) Rules 1974.

(4) The date for the purposes of paragraph (3) is the earlier of the following two dates:

(a) the date after 29th February 2000 on which the fishing vessel's next renewal survey falls due, or

(b) the date on which the period of 27 months expires after the fishing vessel's last renewal survey prior to 1st March 2000.

(5) Part IV applies to fishing vessels of 12 metres or more in length which are registered in the United Kingdom.

(6) Part V applies to Directive fishing vessels which are not registered in the United Kingdom.

Equivalents and exemptions
6. - (1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a fishing vessel, or that any particular provision shall be made, the Secretary of State may permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried, or any other provision to be made in that fishing vessel if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Regulations.

(2) For the purpose 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.

(3) The Secretary of State may exempt any individual fishing vessel or class of fishing vessel from any of the provisions of Part III of these Regulations, on such terms as he may specify, and may, subject to giving reasonable notice, alter or cancel any such exemption.

Performance standards
7. - (1) Subject to paragraph (3), equipment required to be provided under these Regulations shall-

(a) in the case of Directive fishing vessels, conform to the performance standards adopted by the Organization and specified in Merchant Shipping Notice No. MSN 1728(F) as having been so adopted;

(b) in the case of non-Directive fishing vessels, conform to performance standards for such fishing vessels specified in Merchant Shipping Notice No. MSN 1728(F); and

(c) in either case, be of a type approved by the Secretary of State and specified in a Merchant Shipping Notice;

and those standards shall include any amendment thereto which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice.

(2) Any approval given pursuant to this regulation-

(a) shall be given in writing,

(b) shall specify the date on which it takes effect and the conditions (if any) on which it is given, and

(c) may, on the giving of reasonable notice, be cancelled or altered.

Functional requirements
8. Every fishing vessel, while at sea, shall be capable of-

(a) transmitting ship-to-shore distress alerts by at least two separate and independent means, using a different radio communication service, other than by the means provided for in regulations 11(1)(a) and 13(1) paragraph (d)(iii) of Alternative A;

(b) receiving shore-to-ship distress alerts;

(c) transmitting and receiving ship-to-shore distress alerts;

(d) transmitting and receiving search and rescue co-ordinating communications;

(e) transmitting and receiving on-scene communications;

(f) transmitting and receiving signals for locating;

(g) transmitting and receiving maritime safety information;

(h) transmitting and receiving general radio communications to and from shore-based radio systems or networks; and

(i) transmitting and receiving bridge-to-bridge communications.

Installation, location and control of radio equipment
9. - (1) Every radio installation shall-

(a) be so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;

(b) be so located as to ensure the greatest possible degree of safety and operational availability;

(c) be protected against harmful effects of water, extremes of temperature and other adverse environmental conditions;

(d) be provided with reliable, permanently arranged electrical lighting, independent of the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and

(e) be clearly marked with the call sign, the ship station identity and other codes as applicable for the use of the radio installation.

PART II

UNITED KINGDOM DIRECTIVE FISHING VESSELS

(New fishing vessels of 24 metres or more in length and existing fishing vessels of 45 metres or more in length, which are registered in the United Kingdom)

Radio equipment to be provided for all sea areas
10. Every fishing vessel shall be provided with-

(a) a VHF radio installation capable of transmitting and receiving-

(i) DSC on the frequency 156.525 MHz (channel 70). Means shall be provided to initiate the transmission of distress alerts on channel 70 from the position from which the fishing vessel is normally navigated; and

(ii) radiotelephony on the frequencies 156.300 MHz (channel 6), 156.650 MHz (channel 13) and 156.800 MHz (channel 16);

(b) a VHF radio installation capable of maintaining a continuous listening watch on channel 70 using DSC, which may be separate from, or combined with, that required by paragraph (a)(i) of this regulation;

(c) a radar transponder capable of operating in the 9 GHz band, which shall be so stowed that it can be easily utilised;

(d) if the fishing vessel is at sea in any area in which an international NAVTEX service is provided, a receiver capable of receiving International NAVTEX service broadcasts;

(e) if the fishing vessel is at sea in any area of INMARSAT coverage but in which an international NAVTEX service is not provided, a radio facility for reception of maritime safety information by the INMARSAT enhanced group calling system; and

(f) subject to the provisions of regulation 11(3), a satellite EPIRB complying with the requirements of Schedule 1 to these Regulations.

Additional radio equipment to be provided for area A1 vessels
11. - (1) In addition to meeting the requirements of regulation 10, every area A1 vessel shall be provided with a radio installation capable of initiating the transmission of ship-to-shore distress alerts by operation from the position from which the vessel is normally navigated, operating either-

(a) on VHF using DSC; this requirement may be fulfilled by the VHF EPIRB required by paragraph (3) of this regulation if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated;

(b) through the Cospas-Sarsat satellite service in the 406 MHz band; this

requirement may be fulfilled by the satellite EPIRB required by regulation 10(f), if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated;

(c) if the vessel is at sea within coverage of an MF coast station equipped with DSC, on MF using DSC;

(d) on HF using DSC; or

(e) through the INMARSAT geostationary satellite service; this requirement may be fulfilled by-

(i) an INMARSAT ship earth station; or

(ii) the satellite EPIRB required by regulation 10(f), if it is installed close to, or capable of remote activation from, the position from which the fishing vessel is normally navigated.

(2) The VHF radio installation required by regulation 10(a) shall also be capable of transmitting and receiving general radio communications using radiotelephony.

(3) An area A1 vessel may, instead of being provided with the satellite EPIRB required by regulation 10(f), be provided with an EPIRB which is-

(a) capable of transmitting a distress alert using DSC on VHF channel 70 and providing for locating by means of a radar transponder operating in the 9 GHz band;

(b) installed in an easily accessible position;

(c) ready to be manually released and capable of being carried by one person into a survival craft;

(d) capable of floating free if the vessel sinks;

(e) capable of being activated manually; and

(f) automatically activated when afloat.

Additional radio equipment to be provided for area A2 vessels
12. - (1) In addition to meeting the requirements of regulation 10, every area A2 vessel shall be provided with-

(a) an MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies-

(i) 2,187.5 kHz using DSC; and

(ii) 2,182 kHz using radiotelephony;

(b) an MF radio installation capable of maintaining a continuous listening watch on the frequency 2,187.5 kHz using DSC; such installation may be separate from, or combined with, that required by sub-paragraph (a)(i); and

(c) means of initiating the transmission of ship-to-shore distress alerts by a radio installation, other than an MF radio installation, operating either-

(i) through the Cospas-Sarsat satellite service in the 406 MHz band; this requirement may be fulfilled by the satellite EPIRB required by regulation 10(f) if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated;

(ii) on HF using DSC; or

(iii) through the INMARSAT geostationary satellite service; this requirement may be fulfilled by-

(a) the equipment specified in paragraph (3)(b), or

(b) the satellite EPIRB required by regulation 10(f) if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated.

(2) Means shall be provided to initiate transmission of distress alerts by the radio installations specified in paragraph (1)(a) and (1)(c) from the position from which the vessel is normally navigated.

(3) The vessel shall, in addition, be capable of transmitting and receiving general radio communications using radiotelephony or direct-printing telegraphy by either-

(a) a radio installation operating on working frequencies in the bands between 1,605 kHz and 4,000 kHz or between 4,000 kHz and 27,500 kHz; this requirement may be fulfilled by the addition of this capability to the equipment required by paragraph (1)(a); or

(b) an INMARSAT ship earth station.

Additional radio equipment to be provided for area A3 ships
13. - (1) In addition to meeting the requirements of regulation 10, every area A3 vessel shall be provided with either the following equipment-

ALTERNATIVE A
(a) an INMARSAT ship earth station capable of-

(i) transmitting and receiving distress and safety communications using direct printing telegraphy;

(ii) initiating and receiving distress priority calls;

(iii) maintaining watch for shore-to-ship distress alerts, including those directed to specifically defined geographical areas;

(iv) transmitting and receiving general radio communications, using either radiotelephony or direct-printing telegraphy;

(b) an MF radio installation capable of transmitting and receiving, for distress

and safety purposes, on the frequencies-

(i) 2,187.5 kHz using DSC; and

(ii) 2,182 kHz using radiotelephony;

(c) an MF radio installation capable of maintaining a continuous listening watch on the frequency 2,187.5 kHz using DSC, which may be separate from, or combined with, that required by paragraph (b)(i) of this ALTERNATIVE; and

(d) means of initiating the transmission of ship-to-shore distress alerts by a radio installation operating either-

(i) through the Cospas-Sarsat satellite service in the 406 MHz band; this requirement may be fulfilled by the satellite EPIRB required by regulation 10(f) if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated;

(ii) on HF using DSC; or

(iii) through the INMARSAT geostationary satellite service, either by an additional ship earth station, or by the satellite EPIRB required by regulation 10(f) if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated,

or the following equipment-

ALTERNATIVE B
(a) an MF/HF radio installation, capable of transmitting and receiving, for distress and safety purposes, on all distress and safety frequencies in the bands between 1,605 kHz and 4,000 kHz and between 4,000 kHz and 27,500 kHz using-

(i) DSC;

(ii) radiotelephony; and

(iii) direct-printing telegraphy;

(b) an MF/HF radio installation capable of maintaining DSC watch on 2,187.5 kHz, 8,414.5 kHz and on at least one of the distress and safety DSC frequencies 4,207.5 kHz, 6312 kHz, 12,577 kHz or 16,804.5 kHz; the equipment shall be such that it shall be possible at any time to select any of these DSC distress and safety frequencies; this equipment may be separate from, or combined with, the equipment required by paragraph (a);

(c) means of initiating the transmission of ship-to-shore distress alerts by a radio installation, other than an HF radio installation, operating either-

(i) through the polar orbiting satellite service in the 406 MHz band; this requirement may be fulfilled by the satellite EPIRB required by regulation 10(f), if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated; or

(ii) through the INMARSAT geostationary satellite service; this requirement may be fulfilled by-

(a) an INMARSAT ship earth station; or

(b) the satellite EPIRB required by regulation 10(f) if it is installed close to, or capable of remote activation from, the position from which the vessel is normally navigated; and

(d) an MF/HF radio installation capable of transmitting and receiving general radio communications on working frequencies in the bands between 1,605 kHz and 4,000 kHz and between 4,000 kHz and 27,500 kHz, using radiotelephony or direct-printing telegraphy; this requirement may be fulfilled by the addition of this capability in the equipment required by paragraph (a) of this ALTERNATIVE.

(2) Means shall be provided to initiate transmission of distress alerts from the position from which the vessel is normally navigated by the radio installations specified in paragraphs (a), (b) and (d) of ALTERNATIVE A or paragraphs (a) and (c) of ALTERNATIVE B of this regulation.

Additional radio equipment to be provided for area A4 vessels
14. In addition to meeting the requirements of regulation 10, area A4 vessels shall be provided with the radio installations and equipment specified in ALTERNATIVE B in regulation 13(1), except that the equipment required by paragraph (c)(ii) of ALTERNATIVE B shall not be accepted as an alternative to that required by paragraph (c)(i) of ALTERNATIVE B, which shall always be provided. Such vessels shall in addition comply with the requirements of regulation 13(2).

Radio watches
15. - (1) Every fishing vessel while at sea shall maintain a continuous listening watch-

(a) on VHF channel 70 using DSC, if the fishing vessel, in accordance with the requirements of regulation 10(b), is fitted with a VHF radio installation;

(b) on the distress and safety DSC frequency 2,187.5 kHz, if the fishing vessel, in accordance with the requirements of regulation 12(1)(b) or paragraph (c) of ALTERNATIVE A in regulation 13(1), is fitted with an MF radio installation;

(c) on the distress and safety DSC frequencies 2,187.5 kHz and 8,414.5 kHz and on at least one of the distress and safety DSC frequencies 4,207.5 kHz, 6,312 kHz, 12,577 kHz or 16,804.5 kHz, appropriate to the time of day and the geographical position of the fishing vessel, if the fishing vessel, in accordance with the requirements of paragraph (b) of ALTERNATIVE B in regulation 13(1) or in accordance with the requirements of regulation 14, is fitted with an MF/HF radio installation; this watch may be kept by means of a scanning receiver;

(d) for satellite shore-to-ship distress alerts, if the fishing vessel, in accordance with the requirements of paragraph (a) of ALTERNATIVE A in regulation 13(1), is fitted with an INMARSAT ship earth station.

(2) Every fishing vessel while at sea shall maintain a radio watch for broadcasts of maritime safety information on the appropriate frequency or frequencies on which

such information is broadcast for the area in which the fishing vessel is navigating.

(3) From the coming into force of these Regulations until 1st February 2005 every fishing vessel while at sea shall maintain, when practicable, a continuous listening watch on VHF channel 16; such watch shall be kept at the position from which the fishing vessel is normally navigated.

Sources of energy
16. - (1) There shall be available at all times while the fishing vessel is at sea a supply of electrical energy which is sufficient to operate the radio installations and to charge any batteries used as part of a reserve source or sources of energy for the radio installations.

(2) A reserve source or sources of energy shall be provided on every fishing vessel to supply radio installations used for the purpose of conducting distress and safety radio communications, in the event of failure of the fishing vessel's main and emergency sources of electrical power.

(3) Subject to the following paragraphs of this regulation, the reserve source or sources of energy must be capable of simultaneously operating the VHF radio installation required by regulation 10(a) and, as appropriate for the sea area or sea areas for which the fishing vessel is equipped, either-

(a) the MF radio installation required by regulation 12(1)(a),

(b) the MF/HF radio installation required by paragraph (a) of ALTERNATIVE B in regulation 13(1) or by regulation 14, or

(c) the INMARSAT ship earth station required by paragraph (a) of ALTERNATIVE A in regulation 13(1),

and the additional loads mentioned in paragraphs (5), (6) and (9) of this regulation, for the minimum period specified in paragraph (4).

(4) For the purposes of paragraph (3) the minimum period is:

(a) in the case of a new fishing vessel-

(i) three hours, or

(ii) one hour, if the emergency source of electrical power complies fully with all relevant requirements of regulation 17 of Chapter IV of the Protocol, including the requirements to supply the radio installations, and is capable of serving for a period of at least six hours; or

(b) in the case of an existing fishing vessel-

(i) six hours, if the emergency source of electrical power is not provided or does not comply fully with all relevant requirements of regulation 17 of Chapter IV of the Protocol, including the requirements to supply the radio installations;

(ii) three hours, if the emergency source of electrical power complies fully with all relevant requirements of regulation 17 of Chapter IV of the Protocol, including the requirements to supply the radio installations; or

(iii) one hour, if the emergency source of electrical power complies fully with all relevant requirements of regulation 17 of Chapter IV of the Protocol, including the requirements of regulation 17 of Chapter IV of the Protocol, including the requirements to supply the radio installations, and is capable of serving for a period of at least six hours.

(5) Where there is an HF radio installation and an MF radio installation, the reserve source or sources of energy are not required to be capable of supplying them simultaneously.

(6) The reserve source or sources of energy shall be independent of the propelling power of the fishing vessel and the fishing vessel's main electrical installation.

(7) Where, in addition to the VHF installation, two or more of the other radio installations referred to in paragraph (2) of this regulation can be connected to the reserve source or sources of energy, such sources shall be capable of simultaneously supplying, for the minimum period specified, as appropriate, in paragraph (4)(a) or (b) of this regulation the VHF radio installation and either-

(a) all other radio installations which can be connected to the reserve source or sources of energy at the same time; or

(b) if only one of the other radio installations can be connected to the reserve source or sources of energy at the same time as the VHF radio installation, whichever of the other radio installations will consume the most power.

(8) The reserve source or sources of energy may be used to supply the electrical lighting required by regulation 9(1)(d).

(9) Where a reserve source of energy consists of one or more rechargeable accumulator batteries-

(a) a means of automatically charging each battery shall be provided which is capable of recharging them to minimum capacity requirements within 10 hours; and

(b) the capacity of each battery shall be checked when the fishing vessel is not at sea and at intervals not exceeding 12 months.

(10) The siting and installation of a reserve source of energy consisting of one or more accumulator batteries shall be such as to ensure-

(a) the highest degree of service;

(b) a reasonable lifetime;

(c) reasonable safety;

(d) that battery temperatures remain within the manufacturer's specifications whether under charge or idle; and

(e) that when fully charged, the one or more batteries will provide a reserve

source of energy for at least the minimum period specified in paragraph (4) under all weather conditions.

(11) If an uninterrupted input of information from the fishing vessel's navigational or other equipment to a radio installation required by this Part is needed to ensure its proper performance, means shall be provided to ensure the continuous input of such information in the event of failure of the fishing vessel's main or emergency source of electrical power.

(12) For the purpose of calculating the required capacity of the reserve source of energy, the total current used in calculations shall be equal to the highest sum of all the radio installations which simultaneously can be connected to the source of energy, based on the following-

(a) the current consumption of the VHF receiver;

(b) one fifth of the current consumption of the VHF transmitter;

(c) the current consumption of an MF or MF/HF receiver and of the transmitter when it is in such a condition that operation of the "press to transmit" switch will make it ready for immediate transmission;

(d) one third of the current which may be drawn by an MF or MF/HF transmitter for speech transmission on the frequency at which the current consumption of the transmitter is at a maximum;

(e) the current consumption of an INMARSAT ship earth station when it is receiving transmissions;

(f) one quarter of the current which may be drawn by an INMARSAT ship earth station when it is transmitting in the mode at which the current consumption is at a maximum; and

(g) the total current consumption of all additional loads to which the reserve source may supply energy in times of distress or emergency.

Serviceability and maintenance requirements

17. - (1) The equipment used pursuant to these Regulations shall be so designed that the main units can be replaced readily, without elaborate recalibration or readjustment.

(2) Where appropriate, equipment shall be so constructed and installed that it is readily accessible for inspection and on-board maintenance purposes.

(3) Adequate information shall be provided on board the fishing vessel to enable the equipment to be properly operated and maintained.

(4) Adequate tools and spares shall be provided on board the fishing vessel to enable the equipment to be maintained.

(5) Radio equipment required by this Part shall be maintained to meet the performance standards recommended by the Organization for such equipment.

(6) On a fishing vessel engaged on a voyage in sea area A1 or A2, the availability of equipment shall be ensured in accordance with the requirements set out in Merchant Shipping Notice No. MSN 1749(F).

(7) On a fishing vessel engaged on a voyage in sea area A3 or A4, the availability of equipment shall be ensured in accordance with the requirements set out in Merchant Shipping Notice No. MSN 1749(F), subject to any exemption granted under regulation 20(1)(b) and to paragraph (8) of this regulation.

(8) Where an exemption is granted under regulation 20(1)(b) in relation to paragraph (7) of this regulation, the availability of equipment shall be ensured by the use of at least one of the methods referred to in paragraph 4(a) of Merchant Shipping Notice No. MSN 1749(F).

(9)

(a) The skipper of every fishing vessel shall nominate a person ("the nominated person") who shall have the function of carrying out, while the fishing vessel is at sea, the appropriate tests and checks specified in Schedule 2 to these Regulations.

(b) If any of the radio installations required by these Regulations are not in working order, the nominated person shall inform the skipper and record details of the deficiencies in the GMDSS Radio Log referred to in regulation 19(1).

Radio personnel
18. - (1) Every fishing vessel shall carry a person who is qualified for distress and safety radio communication purposes as specified in paragraph (2).

(2) A person is qualified for the purposes of paragraph (1) where-

(a) in the case of an area A1 vessel, he holds a GMDSS restricted operator's certificate or a GMDSS general operator's certificate, issued in accordance with Article S47 of the ITC Radio Regulations;

(b) in the case of an area A2, area A3 or area A4 vessel, he holds GMDSS general operator's certificate issued in accordance with Article S47 of the ITC Radio Regulations.

Radio records
19. - (1) A record (hereinafter referred to as "the GMDSS Radio Log") shall be kept of the matters specified in Part 1 of Schedule 3 to these Regulations.

(2) The skipper shall inspect and sign each day's entries in the GMDSS Radio Log.

(3) The skipper shall, on demand, produce the GMDSS Radio Log for inspection by-

(a) the Registrar General of Shipping and Seamen,

(b) a superintendent,

(c) a proper officer,

(d) an officer of customs and excise, or

(e) an officer authorised by the Secretary of State to make such inspections.

Exemptions from Part II

20. - (1) The Secretary of State may exempt any fishing vessel, on such terms as he may specify, from-

(a) a provision in regulation 10, 11, 12, 13 or 14; or

(b) in relation to an area A3 or A4 vessel, regulation 17(7).

(2) When considering whether to exempt a fishing vessel, the Secretary of State shall take into account the effect of such exemption on the fishing vessel's ability to maintain proper communication for distress and safety purposes.

(3) An exemption may be granted under paragraph (1) only:

(a) if the circumstances in relation to safety are such as to render the full application of regulation 10, 11, 12, 13, 14 or 17(7), as the case may be, unreasonable or unnecessary;

(b) in exceptional circumstances, for a single voyage outside the sea area or sea areas for which the fishing vessel is equipped; or

(c) where it is planned to take the fishing vessel permanently out of service on or before 31st December 2002.

(4) The Secretary of State may, on giving reasonable notice, alter or cancel any exemption granted under paragraph (1).

PART III

UNITED KINGDOM NON-DIRECTIVE FISHING VESSELS

(New fishing vessels of 12 metres or more but less than 24 metres in length and existing fishing vessels of 12 metres or more but less than 45 metres in length, which are registered in the United Kingdom)

Provision of radio installations

21. - (1) Subject to paragraph (2), a fishing vessel operating in sea area A1, A2, A3 or A4, shall be provided with the equipment listed in the second column of the table in Schedule 4 to these Regulations, if it is indicated by a "1" in the third, fourth, fifth or sixth column respectively that such equipment is required.

(2) Without prejudice to the other equipment required in that table:

(a) a fishing vessel operating in sea area A2 shall be provided with at least one of the following: an MF radio installation, an INMARSAT - C or an MF/HF radio installation; and

(b) a fishing vessel operating in sea area A3 shall be provided with an INMARSAT - C or an MF/HF radio installation (or both).

(3) The footnotes to the table in Schedule 4 to these Regulations shall have effect for

the purposes of that table.

Radio personnel
22. - (1) Every fishing vessel shall carry a person who is qualified for distress and safety radio communication purposes as specified in paragraph (2).

(2) A person is qualified for the purposes of paragraph (1) where-

(a) in the case of an area A1 vessel, he holds a GMDSS Short Range or Long Range Certificate issued pursuant to the Annex to the Resolution 343 of the World Radiocommunication Conference held by the International Telecommunication Union in Geneva in 1997;

(b) in the case of an area A2, area A3 or area A4 vessel, he holds a GMDSS Long Range Certificate issued pursuant to that Annex.

Radio watches
23. - (1) Every fishing vessel while at sea shall maintain a watch-

(a) on VHF channel 70 using DSC, if the vessel is fitted with a VHF radio installation;

(b) on the distress and safety DSC frequency 2,187.5 kHz, if the vessel is fitted with an MF radio installation;

(c) on the distress and safety DSC frequencies, 2,187.5 kHz and 8414.5 kHz and also on at least one of the distress and safety DSC frequencies 4,207.5 kHz, 6,312 kHz, 12, 577 kHz or 16,804.5 kHz, appropriate to the time of day and the geographical position of the vessel, if the vessel is fitted with an MF/HF radio installation; this watch may be kept by means of a scanning receiver;

(d) for satellite shore-to-ship distress alerts, if the vessel is fitted with an INMARSAT ship earth station.

(2) Every fishing vessel while at sea shall maintain a radio watch for broadcasts of maritime safety information on the appropriate frequency or frequencies on which such information is broadcast for the area in which the fishing vessel is navigating.

(3) Until 1st February 2005 inclusive every fishing vessel while at sea shall maintain, when practicable, a continuous listening watch on VHF channel 16; such watch shall be kept at the position from which the fishing vessel is normally navigated.

Sources of energy
24. - (1)

(a) There shall be available at all times while the fishing vessel is at sea and at all reasonable times when it is in port, a supply of electrical energy which is sufficient for the operation of the radio installation, the testing of the said installation and the charging of any battery which is a source of electrical energy for it.

(b) The supply of electrical energy shall be maintained at a voltage within plus or minus 10 per cent of the voltage the source of supply is designed to deliver.

(2)

(a) A reserve source of electrical energy, independent of the propelling power of the fishing vessel and of the fishing vessel's main electrical installation shall be provided and, where reasonably practicable, shall be situated in the upper part of the fishing vessel.

(b) This reserve source, which may consist of the battery referred to in paragraph (1) above, shall be capable of being brought into immediate operation by means of a readily accessible switchboard.

(c) This reserve source shall be maintained at all times while the fishing vessel is at sea in such condition as to be capable of supplying continuously for a period of at least six hours a total current equal to the sum of-

(i) the current consumption of the VHF receiver;

(ii) one fifth of the current consumption of the VHF transmitter;

(iii) the current consumption of an MF or MF/HF receiver and of the transmitter when it is in such a condition that operation of the "press to transmit" switch will make it ready for immediate transmission;

(iv) one third of the current which may be drawn by an MF or MF/HF transmitter for speech transmission on the frequency at which the current consumption of the transmitter is at a maximum;

(v) the current consumption of an INMARSAT ship earth station when it is receiving transmissions;

(vi) one quarter of the current which may be drawn by an INMARSAT ship earth station when it is transmitting in the mode at which the current consumption is at a maximum; and

(vii) the total current consumption of all additional loads to which the reserve source may supply energy in times of distress or emergency.

(3) Adequate means shall be provided on board every fishing vessel for the charging of batteries provided as a source of electrical energy for the operation of the radio installation.

(4) When any battery provided for a radio installation is not in use, it shall be capable of being fully charged within a period of not more than 16 hours by the means of charging required by paragraph (3).

Radio records
25. - (1) A record (hereinafter referred to as "the Simplified FV GMDSS Radio Log") shall be kept of the matters specified in Part II of Schedule 3 to these Regulations.

(2) The skipper shall inspect and sign each day's entries in the Simplified FV GMDSS Radio Log.

(3) The skipper shall, on demand, product the Simplified FV GMDSS Radio Log for inspection by-

(a) the Registrar General of Shipping and Seamen,

(b) a superintendent,

(c) a proper officer,

(d) an officer of customs and excise, or

(e) an officer authorised by the Secretary of State to make such inspections.

Maintenance requirements
26. Equipment required by this Part shall be maintained to such a standard as will ensure that the functional requirements specified in regulation 8 are met, and that the performance standards recommended by the Organization for such equipment are met.

PART IV

ENFORCEMENT

Power to detain
27. - (1) Subject to paragraph (2) below, in any case where a fishing vessel, to which Part II or III of these Regulations applies, does not comply with the requirements of these Regulations, the fishing vessel shall be liable to be detained and section 284 of the Merchant Shipping Act 1995[14] (which relates to the detention of a ship) shall have effect in relation to the fishing vessel as if for the words "this Act", wherever they appear, there were substituted the words "the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999".

(2) A fishing vessel shall not be detained in a port where repair facilities are not readily available by reason of malfunction of the equipment for providing general radio communications, if the fishing vessel is capable of performing all distress and safety functions.

Penalties
28. - (1) If a person nominated under regulation 17(9)(a) of these Regulations contravenes any provision of these Regulations imposing a duty on him, he shall be guilty of an offence punishable on summary conviction by a fine of an amount not exceeding level 2 on the standard scale; and if any person, being the owner or skipper of the fishing vessel, permits such a contravention, he shall 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.

(2) If these Regulations are contravened in any other respect in relation to any fishing vessel, the owner and skipper of the fishing vessel 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.

Defence
29. It shall be a defence for a person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

PART V

DIRECTIVE FISHING VESSELS WHICH ARE NOT REGISTERED IN THE UNITED KINGDOM

(New fishing vessels of 24 metres or more in length and existing fishing vessels of 45 metres or more in length, which are not registered in the United Kingdom)

Inspection and detention and other measures in respect of Directive fishing vessels which are not registered in the United Kingdom

30. - (1) Subject to the following paragraphs of this regulation, an inspector may inspect any fishing vessel to which this regulation applies and if satisfied that the fishing vessel does not conform to a standard required of a Directive fishing vessel registered in the United Kingdom by regulation 7, 8 or 9, or Part II, of these Regulations, he may-

(a) send a report to the government of the country in which the fishing vessel is registered (if it is registered), and

(b) where conditions on board are clearly hazardous to health and safety-

(i) take such measures as are necessary to rectify those conditions, or

(ii) detain the ship.

(2) If either of the measures specified in paragraph (1)(b) is taken, the inspector shall forthwith notify the nearest maritime, consular or diplomatic representative of the State whose flag the fishing vessel is entitled to fly.

(3) The inspector shall not in exercise of his power under this regulation detain or delay the ship unreasonably.

(4) This regulation applies to any Directive fishing vessel which is not registered in the United Kingdom but which:

(a) operates in United Kingdom waters,

(b) lands its catch in a United Kingdom port, or

(c) is in a United Kingdom port.

(5) When considering whether a fishing vessel conforms to the standards required of a fishing vessel registered in the United Kingdom by regulation 7, the inspector shall not be concerned to satisfy himself in relation to-

(a) paragraph (1)(a) of that regulation, provided that the equipment is of a type approved by the Administration of the State in which it is registered; or

(b) paragraph (1)(c) of that regulation, provided that the fishing vessel is registered in an EEA State.

(6) In this regulation "inspector" means any person appointed by the Secretary of

State, either generally or in a particular case, to exercise powers under these Regulations.

Signed by authority of the Secretary of State

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

30th November 1999

SCHEDULE 1

Regulation 10(f)

SATELLITE EPIRBS

Every satellite EPIRB provided pursuant to these Regulations shall be-

(1) capable of transmitting a distress alert either through the Cospas-Sarsat satellite service operating in the 406 MHz band or, alternatively, in sea areas A1, A2 and A3 only, through the INMARSAT geostationary satellite service operating in the 1.6 GHz band;

(2) installed in an easily accessible position;

(3) ready to be manually released and capable of being carried by one person into a survival craft;

(4) capable of floating free if the fishing vessel sinks;

(5) capable of being activated manually; and

(6) automatically activated when afloat.

SCHEDULE 2

Regulation 17(9)

EQUIPMENT TESTS AND RESERVE ENERGY CHECKS

1. Daily

(a) The proper functioning of the DSC facilities shall be tested at least once each day, without radiation of signals, by use of the means provided on the

equipment.

(b) Batteries providing a source of energy for any part of the radio installations shall be tested daily and, where necessary, brought up to the fully charged condition.

2. Weekly

(a) The proper operation of the DSC facilities shall be tested at least once a week by means of a test call, when within communication range of a coast station fitted with DSC equipment. Where a fishing vessel has been out of communication range of a coast station fitted with DSC equipment for a period of longer than one week, a test call shall be made on the first opportunity that the fishing vessel is within communication range of such a coast station.

(b) Where the reserve source of energy is not a battery (for example, a motor generator), the reserve source of energy shall be tested weekly.

3. Monthly

(a) Each EPIRB and satellite EPIRB shall be examined at least once a month to check-

(i) its capability to operate properly, particularly its ability to float free (where required to do so) in the event of the fishing vessel sinking,

(ii) how secure it is in its mounting, and

(iii) for signs of damage.

(b) Each search and rescue radar transponder shall be examined at least once a month to check how secure it is in its mounting and for signs of damage.

(c) Each survival craft two-way VHF equipment shall be tested at least once a month on a frequency other than 156.8 MHz (VHF Channel 16), unless the equipment is of a sealed type where such testing is not practical.

(d) A check shall be made at least once a month on the condition of all batteries providing a source of energy for any part of a radio installation and on how secure they are in their mountings. The battery connections and compartment shall also be checked.

SCHEDULE 3

Regulations 19(1) and 25(1)

RADIO LOGS

PART I

GMDSS RADIO LOG

The following shall be recorded in the GMDSS Radio Log as they occur-

(a) a summary of communications relating to distress, urgency and safety traffic and the time such communications occurred;

(b) a record of important incidents connected with the radio service and the time such incidents occurred; and

(c) where appropriate, the position of the fishing vessel at least once a day and the time at which the fishing vessel was at that position.

PART II

SIMPLIFIED FV GMDSS RADIO LOG

A summary of communications relating to distress traffic in which the fishing vessel has participated, and the times at which such communications occurred, shall be recorded in the Simplified FV GMDSS Radio Log as the communications occur.

SCHEDULE 4

Regulation 21(1)

EQUIPMENT FOR NON-DIRECTIVE FISHING VESSELS

(NEW FISHING VESSELS OF 12 METRES OR MORE BUT LESS THAN 24 METRES IN LENGTH, AND EXISTING FISHING VESSELS OF 12 METRES OR MORE BUT LESS THAN 45 METRES IN LENGTH)

	Equipment	*Sea area*			
		A1	*A2*	*A3*	*A4*
1	Hand held VHF radio[15]	1	1	1	1
2	Fixed VHF radio installation[16]	1	1	1	1
3	VHF Channel 70 DSC watch installation[17]	1	1	1	1
4	Float-free satellite EPIRB with a 121.5 MHz homing device[18]	1	1	1	1
5	MF radio installation[19]		1		
6	INMARSAT - C		or 1	1	
7	MF/HF radio installation[20]		or 1	or 1	1

8	NAVTEX receiver		1	1	1
9	INMARSAT enhanced group calling (EGC) receiver			1	1

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations revoke, and replace, the Merchant Shipping (Radio) (Fishing Vessels) Rules 1974 (except in relation to non-Directive fishing vessels which are registered in the United Kingdom). Together with the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999, they give effect to Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, as amended by Commission Directive 1999/19/EC ("the Council Directive"). They also impose (in Part III) requirements in relation to certain fishing vessels which are not subject to the Council Directive but are registered in the UK.

Part II of the Regulations applies to "Directive fishing vessels" registered in UK i.e. new fishing vessels of 24 metres or more in length, and existing fishing vessels of 45 metres or more in length. Such fishing vessels are required to comply with provisions which implement Chapter IX of the Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, adopted on 2nd April 1993, as modified by the Council directive.

The principal feature of Part II is that such fishing vessels are required to carry equipment to operate the Global Maritime Distress and Safety System (GMDSS). GMDSS is the International Maritime Organization's world-wide network of automated emergency communications for fishing vessels at sea.

Part III applies to those fishing vessels of 12 metres or more in length which are not subject to the Council Directive but are registered in the UK. These are now required also to implement GMDSS. These additional requirements relate to the location of equipment, conformance with performance standards, and, in the case of equipment required to maintain distress communications, provision of reserve power supplies independent of the fishing vessel's propulsion system.

Part IV provides for enforcement of the Regulations.

Part V (regulation 30) requires Directive fishing vessels which are not registered in the UK to conform to regulations 7 to 9 (performance standards, functional requirements, installation etc of radio equipment) and to Part II of the Regulations, to the extent required by Article 7 of the Council Directive.

Copies of the Torremolinos Protocol may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR. Merchant Shipping Notices may be obtained from Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN (telephone number 0181 957 5028).

Copies of the Annex to the Resolution 343 of the World Radiocommunication Conference, held by the International Telecommunication Union in Geneva in 1997, may be obtained from that Union at Place des Nations, CH-1211 Geneva 20, Switzerland. The Annex is contained in that Union's Radio Regulations Volume 3 (Geneva 1998) ISBN 92-61-07621-1.

A regulatory impact assessment has been produced and a copy placed in the library of

both Houses of Parliament. Copies may be obtained from the Maritime and Coastguard Agency, Spring place, 105 Commercial Road, Southampton SO15 1EG (telephone: 01703 329134).

Notes:

[1] 1995 c. 21, sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) section 8.back

[2] S.I. 1974/1919, amended by S.I. 1982/1292 and 1994/1104.back

[3] S.I. 1982/1292.back

[4] S.I. 1994/1104.back

[5] S.I. 1975/330; relevant amendments are S.I. 1991/1342, 1996/2419 and 1999/2998.back

[6] S.I. 1999/XXXX.back

[7] S.I. 1988/38, amended by S.I. 1998/927 and 1999/2998.back

[8] S.I. 1999/2998.back

[9] O.J. L34, 9.2.1998, p. 1, as amended by Commission Directive 1999/19/EC (O.J. L83, 27.3.99, p. 48).back

[10] Cmnd. 2073.back

[11] Cmnd. 2183.back

[12] Cmnd. 3339.back

[13] Cmnd. 7252.back

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

[15] The equipment must be capable of operating on VHF Channel 16 and one other channel and be of a type specifically designed for operation in survival craft. In particular, the equipment must be rendered fully waterproof either through design or use of suitable covers. A spare, fully charged battery must be available in case of emergency.back

[16] The VHF radio installation must be capable of transmitting and receiving DSC on channel 70, and radiotelephony on channel 6, channel 13 and channel 16.back

[17] This may be combined with the fixed VHF radio installationback

[18] The satellite EPIRB must be installed in an easily accessible position where it can be manually released and placed in a liferaft.back

[19] The MF radio installation must be capable of transmitting and receiving, for distress and safety purposes, on the frequencies 2187.5 kHz using DSC, and 2182 kHz using radiotelephony. A radio installation capable of maintaining a continuous listening watch on the frequency 2187.5 kHz using DSC, which may be separate from, or combined with, this equipment, must also be provided. If an INMARSAT - C or an MF/HF radio installation is fitted on the fishing vessel, an MF radio installation is not required.back

[20] The MF/HF radio installation must be capable of transmitting and receiving, for distress and safety purposes, on all distress and safety frequencies in the bands between 1,605 kHz and 4,000 kHz and between 4,000 kHz and 27,500 kHz using DSC, radiotelephony and direct-printing telegraphy (telex). A facility to maintain DSC watch on 2,187.5 kHz, 8,414.5 kHz and on at least one of the distress and safety DSC frequencies 4,207.5 kHz, 6312 kHz, 12,577 kHz or 16804.5 kHz must also be provided.**back**

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