

## 1989 No. 321

## HEALTH AND SAFETY

Loading and Unloading of Fishing Vessels Regulations  
(Northern Ireland) 1989

*Made* . . . . . 2nd August 1989

*Coming into operation* . . . . . 1st December 1989

## ARRANGEMENT OF REGULATIONS

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The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned(a), in exercise of the powers conferred by Articles 17(1) to (3), (5) and 55(2) of, and paragraphs 1(1) and (2), 8, 11 and 17(a) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Loading and Unloading of Fishing Vessels Regulations (Northern Ireland) 1989, and shall come into operation on 1st December 1989.

*Interpretation*

2. In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

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(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9) to which there are amendments not relevant to these Regulations

- “Department” means the Department of Economic Development;
- “dock gate” means any lock gate or other gate which can close off the entrance to the dock or part of the dock from the sea or other waterway but does not include any gate on land which controls access by vehicles or pedestrians;
- “fishing vessel” means any description of craft used for the transport or storage of wet fish, whether used in navigation or not, but does not include a craft when used—
- (a) for the principal purpose of carrying passengers or goods other than wet fish; or
  - (b) solely for sport or recreation;
- “fish loading process” means the loading, unloading, moving or handling of wet fish on, at, or nearby any quay or on any fishing vessel when moored at the quay or any activity incidental to those activities including the mooring, fuelling and provisioning of the fishing vessel at the quay or the transfer of wet fish from one fishing vessel to another when at least one of the fishing vessels is moored at the quay;
- “handling” includes gutting of wet fish and loading of wet fish for transport, but does not include tinning, freezing solid in blocks, curing, freeze-drying or other means of processing;
- “maintained” means maintained in an efficient state, in efficient working order and in good repair;
- “processed” or “processing” does not include keeping fish, molluscs or crustaceans (or part of them) fresh by placing them on ice;
- “quay” includes any wharf, jetty or dock;
- “skipper” means the person (except a pilot) having command or charge of the fishing vessel;
- “wet fish” includes all fish, molluscs and crustaceans whether living or dead but does not include—
- (i) fishmeal, fish manure or fish guano, or
  - (ii) fish, molluscs or crustaceans which are, or have been, tinned, frozen solid in blocks, or otherwise processed.

### *Application*

3. These Regulations shall apply to and in relation to all fish loading processes.

### *Duties*

4. It shall be the duty of every—

- (a) employer;
- (b) self-employed person;
- (c) skipper of a fishing vessel; and
- (d) other person on whom a duty is imposed by Article 6 of the 1978 Order,

to comply with all provisions of these Regulations, but such a duty shall extend only to matters within his control.

*Safe working place and safe access*

5.—(1) Subject to paragraph (2) there shall be provided and properly maintained a safe place of work for any person engaged in a fish loading process, and safe access to and egress from that place of work or any other place which any person has to visit for the purpose of the fish loading process.

(2) So far as is reasonably practicable all floors, decks, surfaces, stairs, steps, passages and gangways in any place described in paragraph (1) shall be kept free from any substance likely to cause persons to slip or fall or vehicles to skid.

(3) There shall be provided secure and adequate fencing at the following places where persons are engaged in fish loading processes, that is to say—

- (a) every break, dangerous corner or other dangerous part or edge of a quay;
- (b) every open side of a gangway, footway over a bridge, caisson or dock gate; and
- (c) any other place not being a quay where any person working or passing might fall a distance of more than two metres;

except in so far as such fencing is impracticable because of the nature of the work carried out there and either work is in progress or there is a short interruption for a meal or other purpose.

(4) Each part of a quay or fishing vessel where persons are engaged in a fish loading process, and every means of access to and egress from there, shall be suitably and adequately lighted.

(5) Where persons are engaged in a fish loading process there shall be provided adequate and suitable—

- (a) rescue and life saving equipment;
- (b) means to effect escape from danger; and
- (c) fire-fighting equipment,

and they shall be spaced at intervals that are reasonable in all the circumstances and properly maintained.

*Safety of work and equipment*

6.—(1) Every fish loading process shall be planned and executed in such a manner as to ensure, so far as is reasonably practicable, that no persons will be exposed to danger.

(2) Where persons are engaged in a fish loading process, safe plant and equipment shall, so far as is reasonably practicable, be provided and properly maintained.

*Exemption certificates*

7.—(1) Subject to paragraph (2) the Department may, by certificate in writing, exempt any person or class of persons, or activity or class of activities to which these Regulations apply, from any requirement imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced because of it.

*Enforcement*

8. Notwithstanding the provisions of regulation 3 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1985(a), the authority responsible for enforcing—

- (a) these Regulations, and
- (b) Articles 4 to 9 of the 1978 Order in relation to a fish loading process, shall be the Department.

Sealed with the Official Seal of the Department of Agriculture on 2nd August 1989.

(L.S.)

*I. C. Henderson*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 2nd August 1989.

(L.S.)

*R. Gamble*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 2nd August 1989.

(L.S.)

*Trevor Pearson*

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 2nd August 1989.

(L.S.)

*J. Scott*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations impose health and safety requirements with respect to fish loading processes, that is to say, the loading, unloading, moving or handling of wet fish at or near a quay or on a fishing vessel when moored at the quay, and incidental activities. For this purpose the handling of wet fish does not include tinning, freezing solid in blocks, curing, freeze-drying or other means of processing.

The Regulations:—

- (a) impose requirements with respect to the provisions and maintenance of a safe place of work and means of access (regulation 5(1) and (2));
- (b) require fencing at specified places (regulation 5(3));
- (c) require the provision of suitable and adequate lighting (regulation 5(4));
- (d) require the provision of rescue, life-saving and fire-fighting equipment and means to effect escape from danger, and require the proper maintenance thereof (regulation 5(5));
- (e) require fish loading processes to be planned and executed to avoid danger, and require safe plant and equipment to be provided and maintained (regulation 6).

The Regulations provide for the issue of certificates of exemption by the Department of Economic Development (regulation 7) and provide for enforcement by the Department of the Regulations and Articles 4 to 9 of the Health and Safety at Work (Northern Ireland) Order 1978 in relation to fish loading processes.