



Fishing Vessels (Safety Provisions) Act 1970

1970 CHAPTER 27

An Act to make further provision for the safety of fishing vessels. [29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1 Fishing vessel construction rules

- (1) The Board of Trade may make rules (in this Act referred to as " fishing vessel construction rules ") prescribing requirements for the hull, equipment and machinery of fishing vessels of any description registered in the United Kingdom (including any description framed by reference to the areas in which the vessels operate or the dates on which they were first registered in the United Kingdom or on which their construction was begun).
- (2) The Board of Trade may exempt any fishing vessel or description of fishing vessel from any requirement of the fishing vessel construction rules, either generally or for a specified time or with respect to a specified voyage or to voyages in a specified area, and may do so subject to any specified conditions.
- (3) A surveyor of ships may inspect any fishing vessel for the purpose of seeing that it complies with the fishing vessel construction rules, and for that purpose shall have all the powers of a Board of Trade inspector under the Merchant Shipping Act 1894.
- (4) If—
 - (a) the fishing vessel construction rules are contravened with respect to any vessel; or
 - (b) a vessel is, under subsection (2) of this section, exempted from any requirement subject to a condition and the condition is not complied with ; the owner or master of the vessel shall be liable on summary conviction to a fine not exceeding £400.

2 Fishing vessel survey rules

- (1) The Board of Trade may make rules (in this Act referred to as " fishing vessel survey rules ") for the surveying and periodical inspection of fishing vessels registered in the United Kingdom, or any description of such fishing vessels, for the purpose of ensuring their compliance with the requirements of the fishing vessel construction rules, the rules for life-saving appliances, the radio rules, the rules for direction-finders and the rules for radio navigational aids applicable to them.
- (2) Section 275 of the Merchant Shipping Act 1894 (appeals to the court of survey) shall apply to surveys carried out under the fishing vessel survey rules with such modifications as may be prescribed by the rules.

3 Fishing vessel certificates

- (1) If the Board of Trade or any person authorised by them for the purpose are satisfied, on receipt of a declaration of survey in respect of a fishing vessel surveyed under the fishing vessel survey rules, that the vessel complies with such of the requirements of—
 - (a) the fishing vessel construction rules ;
 - (b) the rules for life-saving appliances ; or
 - (c) the radio rules, the rules for direction-finders and the rules for radio navigational aids ;as are or will be applicable to the vessel, then, subject to subsection (2) of this section, the Board or person shall, on the application of the owner, issue a certificate showing that the vessel complies with those requirements; and for this purpose any requirement from which the vessel has been exempted under section 1(2) of this Act or any other provision of the Merchant Shipping Acts shall be deemed not to be applicable to it.
- (2) Fishing vessel survey rules may require, in the case of such certificate to be issued under this section as may be specified in the rules, that the Board of Trade or person authorised to issue it shall not issue the certificate unless satisfied that the vessel in respect of which it is to be issued is provided with the lights, shapes and means of making fog signals required by the collision regulations.
- (3) A certificate issued under this section shall be in such form as may be prescribed by the fishing vessel survey rules; and those rules may make provision for the duration, extension or cancellation of any such certificate and for the endorsement on it of information relating to the inspection, in accordance with the rules, of the vessel to which it relates and of any extension of the period for which the certificate was issued.
- (4) Sections 280 to 282 of the Merchant Shipping Act 1894 (delivery up and posting up of certificates and penalty for forgery) shall apply in relation to any certificate provided for by this section as they apply in relation to a passenger steamer's certificate.
- (5) Any certificate issued under this section shall be admissible in evidence.

4 Prohibition on going to sea without appropriate certificates

- (1) No fishing vessel required to be surveyed under the fishing vessel survey rules shall go to sea unless there are in force certificates issued under section 3 of this Act showing that the vessel complies with such of the requirements of the fishing vessel construction rules, the rules for life-saving appliances, the radio rules, the rules for direction-finders and the rules for radio navigational aids as are applicable to the vessel.

- (2) If any fishing vessel goes to sea or attempts to go to sea in contravention of this section, the owner or master of the vessel shall be liable on summary conviction to a fine not exceeding £200.
- (3) The master of any fishing vessel registered in the United Kingdom shall on demand produce to any officer of customs or of the Board of Trade any certificate required by this Act; and the fishing vessel may be detained until the certificate is so produced.
- (4) Where a fishing vessel is detained under this section, section 460(2) of the Merchant Shipping Act 1894 (which relates to the costs of detention) shall apply as if the vessel had been finally detained under that Act.

5 Notice of alterations

- (1) Where a certificate issued under section 3 of this Act is in force in respect of a fishing vessel and—
 - (a) the certificate shows compliance with requirements of the fishing vessel construction rules and an alteration is made in the vessel's hull, equipment or machinery which affects the efficiency thereof or the seaworthiness of the vessel; or
 - (b) the certificate shows compliance with requirements of the rules for life-saving appliances and an alteration is made affecting the efficiency or completeness of the appliances or equipment which the vessel is required to carry by those rules ; or
 - (c) the certificate shows compliance with requirements of the rules mentioned in section 3(1)(c) of this Act and an alteration is made affecting the efficiency or completeness of the equipment which the vessel is required to carry by those rules ; the owner or master shall, as soon as possible after the alteration is made, give written notice containing full particulars of it to the Board of Trade or, if the certificate was issued by another person, to that person ; and if the notice is not given as required by this section the owner or master shall be liable on summary conviction to a fine not exceeding £50.
- (2) In this section " alteration " in relation to anything includes the renewal of any part of it.

6 Fees

The Board of Trade may with the consent of the Treasury make regulations prescribing fees to be paid in respect of the doing of any thing in pursuance of this Act, and any such fee shall be paid into the Consolidated Fund except—

- (a) a fee paid in respect of a survey or inspection carried out otherwise than by a surveyor of ships appointed under the Merchant Shipping Act 1894 ; and
- (b) a fee paid in respect of a certificate issued otherwise than by the Board of Trade.

7 Regulations and rules

- (1) Any regulations or rules made under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (2) Before making any rules under this Act the Board of Trade shall consult with organisations in the United Kingdom appearing to them representative of persons who will be affected by the rules.

8 Power to extend Act to certain territories outside the United Kingdom, and to fishing vessels registered therein

Her Majesty may by Order in Council give with respect to any of the following territories, that is to say—

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony;
- (d) any territory outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction ;

either or both of the following directions—

- (i) that the provisions of this Act and of regulations and rules made thereunder shall apply to fishing vessels registered in that territory, with such exceptions, adaptations or modifications as may be specified in the Order, as they apply to fishing vessels registered in the United Kingdom;
- (ii) that the provisions of this Act and of any regulations and rules made thereunder shall extend to that territory, with such exceptions, adaptations or modifications as may be specified in the Order, as part of the law of that territory.

9 Interpretation

(1) In this Act—

" collision regulations" means regulations made under section 418 of the Merchant Shipping Act 1894;

" fishing vessel" means a vessel which is for the time being used for or in connection with sea fishing but does not include a vessel used for fishing otherwise than for profit;

" fishing vessel construction rules" has the meaning assigned to it by section 1 of this Act;

" fishing vessel survey rules " has the meaning assigned to it by section 2 of this Act;

" radio rules " means rules made under section 3 of the Merchant Shipping (Safety Convention) Act 1949;

" rules for direction-finders" means rules made under section 5 of the Merchant Shipping (Safety Convention) Act 1949;

" rules for life-saving appliances " means rules made under section 427 of the Merchant Shipping Act 1894 ;

" rules for radio navigational aids" means rules made under section 6 of the Merchant Shipping (Safety Convention) Act 1949 ; and

" the Merchant Shipping Acts " means the Merchant Shipping Acts 1894 to 1967, the Merchant Shipping Act 1970 and this Act.

- (2) References in this Act to any enactment are references thereto as amended by any other enactment.

10 Expenses

Any expenses incurred by the Board of Trade under this Act shall be defrayed out of moneys provided by Parliament.

11 Citation, construction, commencement and extent

- (1) This Act may be cited as the Fishing Vessels (Safety Provisions) Act 1970.
- (2) This Act, the Merchant Shipping Acts 1894 to 1967 and the Merchant Shipping Act 1970 may be cited together as the Merchant Shipping Acts 1894 to 1970.
- (3) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1967 and the Merchant Shipping Act 1970.
- (4) This Act shall come into force on such day as the Board of Trade may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different descriptions of fishing vessel.
- (5) This Act extends to Northern Ireland.