

1977 No. 313

MERCHANT SHIPPING

SAFETY

The Fishing Vessels (Safety Provisions) (Amendment) Rules 1977

Made - - - - - 28th February 1977

Laid before Parliament 7th March 1977

Coming into Operation 1st April 1977

The Secretary of State, after consulting with the organisations referred to in section 7(2) of the Fishing Vessels (Safety Provisions) Act 1970(a), in exercise of powers conferred by section 2(1) and (2) of that Act and section 427 of the Merchant Shipping Act 1894(b) as substituted by section 2 of the Merchant Shipping (Safety Convention) Act 1949(c) and amended by section 9 of the Merchant Shipping Act 1964(d) and now vested in him(e) and of all other powers enabling him in that behalf, hereby makes the following Rules:

1. These Rules may be cited as the Fishing Vessels (Safety Provisions) (Amendment) Rules 1977 and shall come into operation on 1st April 1977.

2. The Interpretation Act 1889(f) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament and as if these Rules and the Rules hereby revoked were Acts of Parliament.

3. The Fishing Vessels (Safety Provisions) Rules 1975(g) (hereinafter referred to as "the principal Rules") as amended(h), shall be further amended as follows:

(1) Rule 2(1) of the Fishing Vessels (Safety Provisions) (Amendment) Rules 1976 is hereby revoked.

(2) For Rule 1(4)(c) of the principal Rules there shall be substituted:

"(c) in the case of fishing vessels of 24.4 metres in length and over to which these Rules apply, other than fishing vessels referred to in subparagraph (4)(b) of this Rule, which—

(i) were on 1st May 1975 classed with Lloyd's Register of Shipping and continue to be so classed until 1st April 1980; or

(ii) on 1st May 1975 were, in connection with a grant or loan made in respect of the vessel, subject to inspection and continue to be subject to inspection until 1st April 1980, by:

(aa) an officer authorised by the White Fish Authority under section 13(1) of the Sea Fish Industry Act 1970; or

(a) 1970 c.27.

(b) 1894 c.60.

(c) 1949 c.43.

(d) 1964 c.47.

(e) See S.I. 1970/1537 (1970 III, p.5293).

(f) 1889 c.63.

(g) S.I. 1975/330 (1975 I, p.887).

(h) The relevant amending Instrument is S.I. 1976/432 (1976 I, p.1298)

- (bb) a person authorised by the White Fish Authority or the Herring Industry Board under a scheme made under that Act; or
- (cc) a person authorised by the Department of Agriculture for Northern Ireland under or for the purposes of a scheme made under section 1 of the Fishing Vessels (Grants) Act (Northern Ireland) 1967 or under section 5 of the Development Loans (Agriculture and Fisheries) Act (Northern Ireland) 1968,

on 1st April 1980.”

(3) In Rule 1(7) of the principal Rules, sub-paragraph (b) shall be deleted and the Merchant Shipping (Life-Saving Appliances) Rules 1965, as amended, and the Merchant Shipping (Fire Appliances) Rules 1965 shall be amended as follows:

In the proviso to Rule 1(3) of each of the said Rules, there shall be added after paragraph (ii) as paragraph (iii):

“(iii) mechanically propelled sea-going fishing vessels registered in the United Kingdom under Part I or entered in the fishing boat register under Part IV of the Merchant Shipping Act 1894.”

(4) For Rule 1(8) of the principal Rules there shall be substituted the following:

“(8) The Merchant Shipping (Musters) Rules 1965 shall be amended as follows:

In the proviso to Rule 1(3) there shall be added at the end of the proviso the words “or to a fishing vessel as defined in section 9(1) of the Fishing Vessels (Safety Provisions) Act 1970, being a mechanically propelled sea-going fishing vessel registered in the United Kingdom under Part I or entered in the fishing boat register under Part IV of the Merchant Shipping Act 1894.”

(5) For Rule 124 of the principal Rules there shall be substituted:

“124. A surveyor appointed by the Secretary of State shall survey the vessel, after such plans, drawings, specifications, documents and information as he may require have been provided for his use by the owner of the vessel and any fee payable has been paid, in order to ascertain whether the vessel complies with such requirements of Parts II and III of these Rules as apply to it and for that purpose may require the vessel and any of its machinery, fittings and equipment to be submitted to such tests as he considers necessary, except that in the case of a vessel subject to inspection:

- (1) by a person appointed by Lloyd’s Register of Shipping, or
- (2) in connection with a grant or loan made in respect of the vessel, by:—
 - (a) an officer authorised by the White Fish Authority under section 13(1) of the Sea Fish Industry Act 1970; or
 - (b) a person authorised by the White Fish Authority or the Herring Industry Board under a scheme made under that Act; or
 - (c) a person authorised by the Department of Agriculture for Northern Ireland under a scheme made under section 1 of the Fishing Vessels (Grants) Act (Northern Ireland) 1967 or under section 5 of the Development Loans (Agriculture and Fisheries) Act (Northern Ireland) 1968

a surveyor appointed by Lloyd's Register of Shipping, the White Fish Authority, the Herring Industry Board or the Department of Agriculture, as the case may be, may survey the vessel in order to ascertain whether the vessel complies with such requirements of Rules 2 to 14 inclusive and 17 to 54 inclusive of these Rules as apply to it and for that purpose may require the vessel and any of its machinery, fittings and equipment to be submitted to such tests as he considers necessary."

(6) After Rule 126 there shall be inserted the following Rule:

"126A. Section 275 of the Merchant Shipping Act 1894 (appeals to the court of survey) shall apply to surveys carried out under this Part of these Rules for the purpose of the issue of fishing vessel certificates under these Rules with the modification that for the words "a passenger steamer's certificate" in sub-section (2) there shall be substituted the words "a fishing vessel certificate.""

28th February 1977.

Stanley Clinton Davis,
Parliamentary Under Secretary of State,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make further amendments in Rules 1 and 124 of the Fishing Vessels (Safety Provisions) Rules 1975 and the 1976 amendment to them, in order to clarify the description of fishing vessels subject to inspection in respect of which Parts II and V of the Rules will come into operation on 1st April 1980.

A small amendment is made to the Merchant Shipping (Life-Saving Appliances) Rules 1965 (S.I. 1965/1105), the Merchant Shipping (Fire Appliances) Rules 1965 (S.I. 1965/1106) and to the Merchant Shipping (Musters) Rules 1965 (S.I. 1965/1113) respectively, to clarify the description of fishing vessels; those which are sea-going are excluded from those 1965 Rules, and are subject in those respects to the requirements of these Rules.

A new Rule is added whereby an appeal to the court of survey can be instituted in cases where a fishing vessel certificate has not been issued.

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