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 STATUTORY INSTRUMENTS
 

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1985 No. 855

## MERCHANT SHIPPING

## SAFETY

**The Fishing Vessels (Reporting of Accidents) Regulations 1985**

<i>Made</i> - - - - -	<i>4th June 1985</i>
<i>Laid before Parliament</i>	<i>18th June 1985</i>
<i>Coming into Operation</i>	<i>1st October 1985</i>

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a) ("the Act of 1979"), in exercise of powers conferred on him by section 21(1)(a), (3)(n) and (q) and (6)(ba) and (bb) of that Act(b), hereby makes the following Regulations:-

*Citation, commencement and interpretation*

1.— (1) These Regulations may be cited as the Fishing Vessels (Reporting of Accidents) Regulations 1985 and shall come into operation on 1st October 1985.

(2) In these Regulations:—

“access” means the process of embarking on or disembarking from a vessel from or to the quayside, by whatever means employed;

“fishing vessel” means a vessel which is for the time being employed in sea fishing but does not include a vessel used otherwise than for profit;

“incapacity” means, in the case of a member of the crew, inability to undertake the full range of duties normally undertaken, and in any other case means a comparable impairment of the person’s physical condition;

“United Kingdom fishing vessel” means a fishing vessel which is a United Kingdom ship as defined in section 21(2) of the Act of 1979.

*Application*

2. These Regulations apply in relation to all United Kingdom fishing vessels of 10 metres or more in registered length.

*Notification of accidents*

3. Every accident on board or during access to any person which results in death or personal injury involving incapacity for more than three consecutive days excluding the day of the accident shall be notified in accordance with regulation 4:

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(a) 1979 c.39.

(b) Section 21(6)(ba) and (bb) were inserted by section 49(3) of the Criminal Justice Act, 1982 (c.48).

Provided that the requirement to notify shall not apply in respect of any accident to a person—

- (1) employed on the ship as a docker, shiprepairer or shipbuilder (not being a member of the crew); or
- (2) who, at the time of the accident, not being in Her Majesty's service or authorised by law to do so—
  - (a) was on board or in the course of access without the consent of the skipper or of any other person authorised to give it, or
  - (b) had remained on board after being requested to leave by the skipper.

*Reporting of accidents*

4. When there is an accident which is required by regulation 3 to be notified, the skipper shall:—

- (1) complete and sign a report of each such accident in a form approved by the Secretary of State;
- (2) forward that report to the Department of Transport within seven days of the date of the accident or, if the ship is at sea, of the vessel's arrival at the next port of call.

5.— (1) Any skipper who fails to comply with regulation 4 shall be guilty of an offence, and liable on summary conviction to a fine not exceeding £100.

(2) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

4th June 1985.

*Nicholas Ridley,*  
Secretary of State for Transport.

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EXPLANATORY NOTE

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

These Regulations apply to United Kingdom fishing vessels 10 metres or more in length and provide for the notification of specified accidents to persons on board or in the process of embarking on or disembarking from the ship (regulation 3).

The skipper is required to report every accident required to be notified on an approved form within a specified time to the Department of Transport (regulation 4).



SI 1985/855  
ISBN 0-11-056855-9



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