

1988 No. 1547

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Medical Stores) (Fishing Vessels) Regulations 1988

<i>Made</i> - - - -	<i>6th September 1988</i>
<i>Laid before Parliament</i>	<i>16th September 1988</i>
<i>Coming into force</i>	<i>1st November 1988</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), in exercise of powers conferred by section 21(1)(a) and (3) to (6) and section 22(1) and (3) of that Act(b) and by section 103(3) of the Medicines Act 1968(c) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, Commencement, Revocation and Interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Medical Stores) (Fishing Vessels) Regulations 1988 and shall come into force on 1st November 1988.

(2)(a) Section 24 of the Merchant Shipping Act 1970(d) is hereby repealed;

(b) the Merchant Shipping (Medical Scales) (Fishing Vessels) Regulations 1974(e) are hereby revoked.

(3) In these Regulations:

“crew” means all persons including the skipper employed in any capacity on board a ship;

“fishery research vessel” means a vessel used primarily for research into sea fishing and fish stocks;

“fishing vessel” means a vessel for the time being employed in sea fishing for profit;

“Limited Area” means the area bounded by a line from a point on the Norwegian coast in latitude 62°N due west to a point 62°N 3°W; thence to a point 58°N 10°W; thence to a point 49°N 12°W; thence to a point 46° 30'N 6°W and thence due East to the French coast;

“Merchant Shipping Notice” means a Notice described as such and issued by the Secretary of State; and a reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

(a) 1979 c.39.

(b) Section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).

(c) 1968 c.67.

(d) 1970 c.36; section 24(2) was amended by Part III of Schedule 6 to the Merchant Shipping Act 1979.

(e) S.I. 1974/1192, amended by S.I. 1975/1581 and 1980/407; these amending Regulations were revoked by S.I. 1986/144.

(4) Any reference in these Regulations to the British Pharmacopoeia, the European Pharmacopoeia, or the British National Formulary shall in its application to a particular case be construed as a reference to the edition thereof current at, or not more than three months before, the time when the requirement has effect.

(5) Any reference in these Regulations to a publication (other than those mentioned in paragraph (4) of this regulation) includes a reference to any amendment thereof published before the date on which these Regulations are made; and shall include any document amending the same, or shall mean any new edition thereof together with any document amending the same, which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(6) Any reference in these Regulations to a specified Scale shall be a reference to that Scale of medicines and medical stores contained in Merchant Shipping Notice No. M1339.

Application

2.—(1) These Regulations apply to United Kingdom ships which are fishing vessels or fishery research vessels which go to sea.

(2) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Medicines and Medical Stores

3.—(1) Every vessel proceeding beyond the Limited Area except within the area bounded by lines drawn between 58° 00'N 10° 00'W, 58° 00'N 15° 00'W, 53° 00'N 15° 00'W, and 53° 00'N 12° 00'W, shall carry the medicines and medical stores specified in Scale I.

(2) Every vessel fitted with sleeping accommodation and carrying not more than 8 persons on a voyage of 7 days or more entirely within the Limited Area and the area bounded by lines drawn between 58° 00'N 10° 00'W, 58° 00'N 15° 00'W, 53° 00'N 15° 00'W, and 53° 00'N 12° 00'W shall carry the medicines and medical stores specified in Scale II.

(3) Every vessel fitted with sleeping accommodation on a voyage of less than 7 days entirely within the Limited Area shall carry the medicines and medical stores specified in Scale III.

(4) Every vessel not fitted with sleeping accommodation shall carry the medicines and medical stores specified in Scale IV.

(5) Any Scale may make different provisions for specified classes of cases.

Medicines and Medical Stores Already on Board

4.—(1) It shall be sufficient compliance with regulation 3 for there to be kept, in place of any instrument or appliance thereby required to be kept on board the vessel, an instrument or appliance designed to fulfil the same function, for so long as it remains in good serviceable condition, if it was kept on board the vessel on the date on which these Regulations come into operation.

(2) In the case of a vessel which, on the date on which these Regulations come into operation, is on a voyage, there may be kept on board the vessel, in place of the medicines and other medical stores required by regulation 3 to be kept on board it, such medicines and other medical stores as it would be required to have on board if the Regulations referred to in regulation 1(2) had not been revoked; but this paragraph shall cease to apply to a vessel at the time it arrives at a port in the United Kingdom or at the expiration of six months from the date on which these Regulations come into operation, whichever shall be the earlier.

Standard of Medicines and Medical Stores

5. All medicines and other medical stores required by these Regulations to be kept on board a vessel shall conform to the standards and requirements of the British National Formulary or the British Pharmacopoeia or the European Pharmacopoeia or the United States Pharmacopoeia, and with the requirements of and with specifications set out in Merchant Shipping Notice No. M1339.

Packaging and Labelling of Containers

6.—(1) Without prejudice to any other enactment, any container of medicines or other medical stores required by regulation 3 to be kept on board a vessel:

- (a) shall have in English on a label the particulars specified in paragraph (3) of this regulation;
- (b) in the case of a container of tablets or capsules, shall be capable of reclosure to prevent ingress of moisture;
- (c) in the case of a container of disinfectant, shall not show deleterious reaction with the disinfectant after storage in normal conditions for six months;
- (d) in the case of a container of insecticide, shall be air-tight, water-tight, packed in a suitable and sturdy case and, if the container is a pressure canister, have a cap or other means of protecting the valve against accidental opening when the canister is not in use;
- (e) in the case of medicine or disinfectant not in the container supplied by its manufacturer, shall be packed in a sturdy container which is brown-coloured or non-translucent.

(2) Any label referred to in paragraph (1)(a) of this regulation shall either be firmly affixed to the container and rendered resistant to moisture by varnish or other effective means or be an integral part of the container.

(3) The particulars required by paragraph (1)(a) of this regulation to be shown on labels are:—

- (a) the ordering name by which the medicine or medical store is referred to in Merchant Shipping Notice No. M1339;
- (b) if a medicine, the minimum and maximum dose for an adult laid down in any one of the publications referred to in regulation 5;
- (c) any storage requirements laid down in any one of the publications referred to in regulation 5 or in Merchant Shipping Notice No. M1339;
- (d) if the medicine or medical store is perishable, the expiry of use date and, if known, the date of manufacture;
- (e) the name and address of the supplier and of the manufacturer of the medicine or medical store;
- (f) in the case of a label on any container of a disinfectant or of an antiseptic prescribed in any of the Scales set out in Merchant Shipping Notice No. M1339 the dilution recommended for any purposes stated thereon;
- (g) in the case of the label on any container of an insecticide prescribed in any of the Scales set out in Merchant Shipping Notice No. M1339:—
 - (i) instructions for use of the insecticide including, in the case of a liquid, use as a space spray and as a residual spray; and
 - (ii) a notice, indicating that care should be taken to avoid contamination by the insecticide of foodstuffs, food utensils and benches on which food is prepared, that excessive inhalation of the mist deriving from the insecticide should be avoided, and spillage of the insecticide on the skin should be washed off immediately with soap and water and that the insecticide should be stored in a cool part of the vessel away from crew and passenger accommodation and edible cargo;
- (h) in the case of a container of hypochlorite, a notice indicating that the chemical may combust spontaneously and that the hypochlorite should be stored in a cool dark part of the vessel; and
- (i) any further information required by Merchant Shipping Notice No. M1339.

Storage of Medicines and Medical Stores

7.—(1) Any medicine or medical store shall be stored in accordance with any instructions on its container or prescribed in Merchant Shipping Notice No. M1339.

(2) Any medicine shall, where applicable, be stored in accordance with the requirements for controlled Drugs contained in the Ship Captain's Medical Guide(a), and subject

(a) Published by Her Majesty's Stationery Office.

thereto, unless it is required to be kept in a refrigerator or in a first aid satchel or box, shall be stored:

- (a) in the medical cabinet if, under the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975^(a) the ship is required to have a medical cabinet; or
- (b) in a cool, dry, locked container.

Replenishment of Dated Medicines

8. Where:

- (a) a vessel is required in pursuance of regulation 3 to have on board any medicine or other medical stores in accordance with any of the Scales set out in Merchant Shipping Notice No. M1339.
- (b) any label required by regulation 6(1)(a) to be borne by any container of any such medicine or other medical stores, is required either:
 - (i) to indicate a date after which the medicine or other medical store contained in it is not to be used; or
 - (ii) to state the date of manufacture of that medicine or other medical store and it is provided in the appropriate Scale that such medicine or other medical store is not to be used after the end of a period therein stated beginning with the date of such manufacture,

that medicine or medical store shall be replaced at the earliest possible date after the expiry date, and in any event within three months of the expiry date. Medicines or medicinal stores which have passed the expiry date shall, once replacements have been obtained, or after 3 months, whichever is the earlier, be disposed of in accordance with the Ship Captain's Medical Guide.

Offences

9.—(1) If any requirement of regulations 3, 5 or 6 is contravened, the owner of the vessel shall be guilty of an offence, punishable on summary conviction by a fine not exceeding £2,000.

(2) If any requirement of regulation 7 is contravened, the owner and skipper of the vessel shall each be guilty of an offence, punishable on summary conviction by a fine not exceeding

- (a) £2,000 in the case of the owner; and
- (b) £1,000 in the case of the skipper.

(3) It shall be a defence for any person charged in connection with a contravention of regulation 3 to show that the deficiency was caused by medicines and medical stores being used for their proper purpose and that it has not been reasonably practicable to replace them.

(4) It shall be a defence for a person charged under this regulation, including a person charged by virtue of regulation 10, to show that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

10. Where an offence under these Regulations is committed, or would have been committed except for the operation of regulation 9(4), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Inspection and Detention

11. Any person duly authorised by the Secretary of State may inspect any vessel and if he is satisfied that there is a failure to comply in relation to that ship with the requirements of regulation 3, 5 or 6 of these Regulations he may detain the vessel until such requirements are met.

^(a) S.I. 1975/2220.

Compensation and Enforcement of Detention

12. Section 460(1) and section 692(1)–(3) of the Merchant Shipping Act 1894(a) (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship) shall have effect in relation to a ship detained under these Regulations subject to the following modifications:–

- (1) in section 460(1) the following words shall be omitted–
 - “by reasons of the condition of the ship or the act or default of the owner”
 - “provisional”
 - “as an unsafe ship”
 - “and survey”
 - “or survey”; and
- (2) for the words “this Part of this Act” in section 460(1) and “this Act” wherever they appear in section 692, there shall be substituted “the Merchant Shipping (Medical Stores) (Fishing Vessels) Regulations 1988”.

Signed by authority of
the Secretary of State
6th September 1988

Michael Portillo
Minister of State, Department of Transport

(a) 1894 c.60.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations supersede the Merchant Shipping (Medical Scales) (Fishing Vessels) Regulations 1974. The Regulations apply to all fishing vessels registered in the UK and to unregistered fishing vessels owned by persons resident in or having a principal place of business in the United Kingdom. Every fishing vessel going to sea is required to carry medicines and other medical stores appropriate to the type and length of voyage and the geographical area into which it is proposed to proceed (Regulation 3).

2. Other instruments and appliances already on board a vessel and having the same function as those prescribed by the Regulations may be treated as equivalent for as long as they remain in good serviceable condition. Where a vessel is on a voyage on the date on which these Regulations come into force it may use those medicines and medical stores already on board until it arrives at a United Kingdom port or within six months of these Regulations coming into force (Regulation 4).

3. Medicines and medical stores are required to be of a certain standard (Regulation 5); this includes packaging and labelling (Regulation 6) and storage (Regulation 7). Medicines and medical stores are required to bear a label indicating the date after which the contents should not be used, medicines and medical stores shall be replaced as soon as possible after the expiry date and in any event within 3 months (Regulation 8). Contravention of the Regulations is made an offence by the owner and skipper, punishable on summary conviction by a fine not exceeding £2,000 in the case of the owner and £1,000 in the case of the skipper (Regulation 9). When an offence is committed due to the act or default of some other person that other person shall be guilty of an offence and may be convicted of the offence (Regulation 10).

4. Any ship may be inspected and detained if the requirements of the Regulations are not met (Regulation 11).

5. These new Regulations empower the Secretary of State to issue details of the stores to be carried in a Merchant Shipping Notice, rather than in the body of the Regulations as at present.

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