
STATUTORY INSTRUMENTS

2018 No. 1106

The Merchant Shipping (Work in Fishing Convention) Regulations 2018

PART 3

Fishermen's work agreements

Duty to enter into a fisherman's work agreement

8.—(1) Subject to paragraph (2), a fisherman must have a fisherman's work agreement which complies with paragraphs (1) and (2) of regulation 9.

(2) Paragraph (1) does not apply to a fishing vessel owner who is single-handedly operating a vessel.

(3) A breach of paragraph (1) is an offence by the fishing vessel owner.

Content of fisherman's work agreement

9.—(1) Subject to paragraph (2), a fisherman's work agreement must—

- (a) be comprehensible to the fisherman and consistent with the provisions of the Convention; and
- (b) include provision about the matters in the Schedule.

(2) Such provision may be achieved by way of reference to another document which includes provision about those matters.

(3) Prior to entering into a fisherman's work agreement, the fishing vessel owner must take reasonable steps to satisfy itself with regard to the following requirements—

- (a) the fisherman must have had sufficient opportunity to review and take advice on the terms of and conditions of the agreement;
- (b) the fisherman must have received an explanation of the rights and responsibilities of the fisherman under the agreement; and
- (c) the fisherman must be entering into the agreement freely.

(4) Where a fishing vessel owner fails to take such reasonable steps the fishing vessel owner commits an offence.

Documents

10.—(1) As soon as is practicable after entering into a fisherman's work agreement, the fishing vessel owner must provide to the fisherman an original of the agreement signed by each party and a copy of any document referred to in that agreement.

(2) A breach of paragraph (1) is an offence by the fishing vessel owner.

(3) The fishing vessel owner must—

- (a) ensure that—
 - (i) a copy of the fisherman's work agreement;
 - (ii) a copy of any document referred to in that agreement; and
 - (iii) any translation of such document required by regulation 11,for each fisherman on the fishing vessel is held on board; and
- (b) allow each fisherman to see the copy of the fisherman's work agreement to which the fisherman is a party (and any document referred to in paragraph (a)) on request.
- (4) A breach of paragraph (3) is an offence by the fishing vessel owner.

Foreign language fisherman's work agreement

- 11.**—(1) This regulation applies where a fisherman has a fisherman's work agreement which is not in the English language.
- (2) The fishing vessel owner must ensure that an English translation of the provisions of the fisherman's work agreement (including any provisions that are contained in another document) is made and made available to the fisherman.

Payments under a fisherman's work agreement

- 12.**—(1) Subject to paragraph (2), where a fisherman's work agreement provides that—
- (a) the fisherman is entitled to receive wages, the wages must be paid monthly, or at other regular intervals as are set out in the fisherman's work agreement;
 - (b) the fisherman is entitled to receive any other remuneration, such payment of the remuneration must be made within a reasonable time or as otherwise set out in the fisherman's work agreement.
- (2) Paragraph (1) does not apply to the extent that the failure to make such payment at the required time was due to—
- (a) a mistake;
 - (b) a reasonable dispute as to liability;
 - (c) the act or default of the fisherman; or
 - (d) any other cause not being the wrongful act or default of the person liable to make the payment or of that person's servants or agents.

Account of payments

- 13.**—(1) The fishing vessel owner must ensure that an account of the fisherman's wages or other remuneration under a fisherman's work agreement is prepared and delivered to the fisherman—
- (a) periodically during the term of the fisherman's work agreement, at intervals not exceeding one month; and
 - (b) within one month of the date on which the agreement terminated.
- (2) Where the fisherman is not an employee, such account must include the following information—
- (a) payments due;
 - (b) payments made (including any not falling within sub-paragraph (a)); and
 - (c) any rates of exchange and any commissions paid which are relevant to those payments.
- (3) A breach of paragraph (1) is an offence by the fishing vessel owner.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Work in Fishing Convention) Regulations 2018, PART 3.