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STATUTORY INSTRUMENTS

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**2018 No. 1108**

**The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018**

**Review of medical practitioner's decision**

**11.**—(1) A person who is aggrieved by—

- (a) the refusal of a medical practitioner to issue a medical fitness certificate in accordance with regulation 6;
- (b) any restriction imposed on such a certificate; or
- (c) the suspension for a period of more than three months or cancellation of such a certificate by a medical practitioner pursuant to regulation 10,

may apply to the Secretary of State for the matter to be reviewed by a medical referee appointed by the Secretary of State.

(2) The Secretary of State must have the matter reviewed if the application—

- (a) was lodged with the Secretary of State within one month of the date on which the applicant was given notice of refusal, imposition of a restriction, suspension or cancellation;
- (b) includes a consent for the medical practitioner responsible for the refusal, imposition of a restriction, suspension or cancellation to provide a report to the medical referee; and
- (c) specifies the name and address of that practitioner.

(3) If an application is made after the time prescribed in paragraph (2)(a), the Secretary of State, upon consideration of any reasons for the lateness of the application, may decide that the matter is nonetheless to be reviewed.

(4) If requested by the applicant, the medical practitioner must send to the applicant a copy of the report of the medical practitioner and any other evidence provided by the medical practitioner to the medical referee.

(5) In a case within paragraph (1)(a) or (c), if in the light of the medical evidence, and having regard to the medical standards specified by the Secretary of State in Merchant Shipping Notice 1886, the medical referee considers that the applicant is fit to perform the duties that person will carry out at sea, the medical referee must issue to the applicant a medical fitness certificate, with such restrictions as to capacity of sea service or geographical areas as the referee considers appropriate, in the form specified in Merchant Shipping Notice 1886, or terminate the suspension of the applicant's medical fitness certificate, as the case may be.

(6) In a case within paragraph (1)(b) or (c), and having regard to the medical standards specified by the Secretary of State in Merchant Shipping Notice 1886, if in the light of the medical evidence the medical referee considers that restrictions as to capacity of sea service or geographical areas should be imposed on a certificate issued to the applicant, or that any restriction so imposed by a medical practitioner should be deleted or varied, the medical referee must issue to the applicant a medical fitness certificate in the form specified in Merchant Shipping Notice 1886 which records any restrictions as so imposed or varied, and the former certificate shall cease to have effect.

(7) If in the light of the medical evidence, and having regard to the medical standards specified by the Secretary of State in Merchant Shipping Notice 1886 (M+F), the medical referee considers

that the applicant is unfit to perform the duties that person will carry out at sea, the medical referee must notify the applicant of the period during which the medical referee considers that the applicant will remain unfit to go to sea.

(8) If the applicant fails to attend an appointment with the medical referee without giving adequate notice, then the Secretary of State may recover from the applicant as a civil debt the cost incurred by the Secretary of State by that failure to attend.