



# Safety at Sea Act 1986

## 1986 CHAPTER 23

An Act to promote the safety of fishing and other vessels at sea and the persons in them; and for related purposes. [26th June 1986]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act modified by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 47(2)(b), (with s. 58(4), Sch. 8 para. 1) and by S.I. 1989/1991, art. 10
- C2 Act excluded S.I. 1989/1991, arts. 11–14

PROSPECTIVE

## PART I

### SAFETY OF FISHING VESSELS

#### *The vessel's equipment*

<sup>F1</sup> .....

### Textual Amendments

- F1 S. 1 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2), Sch.2

*Status: Point in time view as at 01/05/1994. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Safety at Sea Act 1986. (See end of Document for details)*

**F2** .....

**Textual Amendments**

**F2** S. 2 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch. 2**

**F3** .....

**Textual Amendments**

**F3** S. 3 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch.2**

**F4** .....

**Textual Amendments**

**F4** S. 4 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**

**F5** .....

**Textual Amendments**

**F5** S. 5 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**

**F6** .....

**Textual Amendments**

**F6** S. 6 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**

*The skipper and crew*

**7 Training in safety matters.**

- (1) The Secretary of State may make regulations for securing that the skipper of and every seaman employed or engaged in a United Kingdom fishing vessel is trained in safety matters.

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- (2) The regulations may provide that if a person goes to sea on a fishing vessel in contravention of a requirement of the regulations—
  - (a) he commits an offence and is liable on summary conviction to a fine not exceeding level 2, or if he is the skipper or an owner of the vessel level 5, on the standard scale; and
  - (b) the skipper and each owner of the vessel is (except in respect of a contravention by himself) liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### *Supplementary provisions*

## **8 Exemptions.**

- (1) The Secretary of State may exempt a fishing vessel or description of fishing vessel from any requirement of this Part.
- (2) He may do so generally or for a specified time or with respect to a specified voyage or to voyages in a specified area, and may do so subject to any specified conditions.

## **9 Regulations.**

- (1) Regulations under this Part may make different provision for different cases, or descriptions of case, including different provision for different descriptions of vessel or according to the circumstances of operation of a vessel.
- (2) Regulations under this Part shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Before making regulations under this Part the Secretary of State shall carry out such consultation with organisations or persons likely to be affected by the regulations as appears to him to be appropriate.

<sup>F7</sup>(4) .....

### **Textual Amendments**

**F7** S. 9(4) repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2), Sch. 2

## **9 Regulations. U.K.**

- (1) Regulations under this Part may make different provision for different cases, or descriptions of case, including different provision for different descriptions of vessel or according to the circumstances of operation of a vessel.
- (2) Regulations under this Part shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Before making regulations under this Part the Secretary of State shall carry out such consultation with organisations or persons likely to be affected by the regulations as appears to him to be appropriate.

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- (4) If it appears to the Secretary of State that regulations under a power conferred by any other enactment supersede any of the provisions of this Part, or of regulations made under them, he may in exercise of that power repeal or revoke the superseded provisions and make such consequential repeals or amendments of any other provision of this Part or any enactment amended by this Part as appears to him appropriate.

## PART II

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### **10 Drunkenness, &c., of skipper of fishing vessel.**

In section 28 of the <sup>M1</sup>Merchant Shipping Act 1970 (drunkenness, &c., on board fishing vessel)—

- (a) for “a seaman employed” substitute “ the skipper of or a seaman employed or engaged ”, and
- (b) for “carry out the duties of his employment” substitute “ fulfil his responsibility for the vessel or, as the case may be, carry out the duties of his employment or engagement ”.

#### **Marginal Citations**

**M1** 1970 c. 36.

#### **11 Extension of power to make safety regulations.**

- (1) In section 21 of the <sup>M2</sup>Merchant Shipping Act 1979 (power to make safety regulations), in subsection (1) after paragraph (b) add—

“(c) for securing the safety of other ships and persons on them while they are within a port in the United Kingdom.”.

- (2) In subsection (3) of that section (matters for which regulations may provide) for the opening words substitute—

“Regulations in pursuance of paragraph (a) or (b) of subsection (1) of this section may make provision with respect to any of the following matters, and regulations in pursuance of paragraph (c) of that subsection may make provision with respect to any of the following matters so far as relates to safety, namely—”.

- (3) In section 49 of the <sup>M3</sup>Merchant Shipping Act 1979 (general provisions as to orders and regulations) after subsection (4) insert—

“(4A) Regulations of the following descriptions under section 21(1) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) regulations under paragraph (a) of that subsection,

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- (b) regulations under paragraph (b) of that subsection which—
    - (i) relate to an international agreement laid before Parliament before 4th April 1979, or
    - (ii) relate to safety matters and give effect to amendments in force to an international agreement already implemented under that paragraph, and
  - (c) regulations under paragraph (c) of that subsection which contain a statement that they are made only for the purpose of applying to certain other ships the provisions of an international agreement implemented under paragraph (b) of that subsection;
- and regulations of any other description under section 21(1) of this Act shall not be made unless a draft of the regulations has been approved by resolution of each House of Parliament.”.
- (4) In consequence of the above amendments the following amendments and repeals in the Merchant Shipping Act 1979 have effect—
- (a) in section 21(1), after “regulations” insert “ (hereafter in this section and in the following section referred to as ”safety regulations”) ”,
  - (b) in section 21(3), at the end add “ ; but the mention of specific matters in this subsection shall not be construed as restricting the generality of the power conferred by paragraph (a), (b) or (c) of subsection (1) of this section. ”,
  - (c) in section 49(3) omit the words from “and no regulations” to “section 21(1) (b) of this Act” and “or regulations”, and
  - (d) in section 49(4) omit the words “21(1)” and the words “(except regulations” to “proceeding subsection)”.

#### Marginal Citations

M2 1979 c. 39.

M3 1979 c. 39.

### General

## 12 Expenses.

- (1) There shall be paid out of money provided by Parliament—
- (a) any administrative expenses incurred by a Minister of the Crown or a government department under this Act; and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

## 13 Interpretation.

- (1) In this Act—

<sup>F8</sup>

“length” means the register length shown on the vessel’s certificate of registry;

“prescribed” means prescribed by regulations under section 4;

“United Kingdom fishing vessel” means a fishing vessel registered in the United Kingdom.

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(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1984.

**Textual Amendments**

**F8** S. 13(1) definition of "fishing vessel" repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch. 2**

**13 Interpretation. U.K.**

(1) In this Act—

[<sup>F10</sup>“fishing vessel” means a fishing vessel within the meaning of Part II of the Merchant Shipping Act 1988;]

“length” means the register length shown on the vessel’s certificate of registry;

“prescribed” means prescribed by regulations under section 4;

“United Kingdom fishing vessel” means a fishing vessel registered in the United Kingdom.

(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1984.

**Textual Amendments**

**F10** Definition substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(4), **Sch. 6** (with s. 58(4), Sch. 8 para. 1)

<sup>F9</sup>**14** .....

**Textual Amendments**

**F9** S. 14 repealed (1.5.1994, subject as mentioned in S.I. 1993/3137 arts. 4-7) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2), **Sch. 2**

**15 Short title, citation, commencement and extent.**

- (1) This Act may be cited as the Safety at Sea Act 1986.
- (2) This Act and the Merchant Shipping Acts 1894 to 1984 may be cited together as the Merchant Shipping Acts 1894 to 1986.
- (3) This Act comes into force on such day as may be appointed by the Secretary of State by order made by statutory instrument.
- (4) Different days may be appointed for different provisions and for different descriptions of vessel.
- (5) This Act extends to England and Wales, Scotland and Northern Ireland.

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**Modifications etc. (not altering text)**

**C3** Power of appointment conferred by s. 15(3) partly exercised: [S.I. 1986/1759](#)

**Status:**

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**Changes to legislation:**

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