



# 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<sup>X</sup>; 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:—

### PART I

#### SAFETY OF FISHING VESSELS

##### *The vessel's equipment*

#### **1 Emergency position indicating radio beacon.**

- (1) A fishing vessel shall carry a radio beacon which in the event of an emergency will indicate its position by transmitting on a prescribed frequency.
- (2) This section applies to all United Kingdom fishing vessels of 12 metres or more in length and to such other United Kingdom fishing vessels as may be prescribed.

#### **2 Automatic release life rafts.**

- (1) The life rafts carried by a fishing vessel shall be secured in such a way that they are automatically released and float free if the vessel sinks.
- (2) This section applies to all United Kingdom fishing vessels of 12 metres or more in length and to such other United Kingdom fishing vessels as may be prescribed.

### 3 Lifejackets.

- (1) A United Kingdom fishing vessel of less than 12 metres in length shall carry a lifejacket of an appropriate size for each person on board and extra lifejackets as follows—
  - (a) if lifejackets of different sizes are required to be carried, at least one extra lifejacket of each size;
  - (b) otherwise one extra lifejacket if there are 10 or fewer persons and two extra lifejackets if there are 11 or more.
- (2) The lifejackets shall comply with the requirements for the time being of Part I or, as the case may be, Part II of Schedule 11 to the Fishing Vessels (Safety Provisions) Rules 1975 (general requirements for lifejackets).

### 4 Power to prescribe further requirements.

- (1) The Secretary of State may by regulations—
  - (a) prescribe anything required to be prescribed for the purposes of sections 1 and 2 ; and
  - (b) amplify or extend the requirements of sections 1 to 3, in particular, by laying down further technical requirements in relation to the equipment required by those sections.
- (2) References in this Act or elsewhere to the requirements of sections 1 to 3 are to those requirements as amplified or extended under this section.

### 5 Enforcement.

- (1) In section 2(1) of the Fishing Vessels (Safety Provisions) Act 1970 (fishing vessel survey rules) for “and the rules for radio navigational aids” substitute “, the rules for radio navigational aids and sections 1 and 2 of the Safety at Sea Act 1986 (safety requirements for fishing vessels)”.
- (2) In section 3(1) of the Fishing Vessels (Safety Provisions) Act 1970 (fishing vessel certificates), omit “or” at the end of paragraph (b) and after paragraph (c) insert—
 

“, or

  - (d) sections 1 and 2 of the Safety at Sea Act 1986 (safety requirements for fishing vessels)”.
- (3) The references to “the Merchant Shipping Acts” in section 3(1) of the Fishing Vessels (Safety Provisions) Act 1970 and in section 76(1) of the Merchant Shipping Act 1970 (powers of inspection) include this Act.
- (4) In Schedule 1 to the Merchant Shipping Act 1984 (relevant statutory provisions for purposes of improvement and prohibition notices), at the appropriate place add—

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The Safety at Sea Act 1986. Sections 1 to 3.”

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### 6 Offences.

- (1) No fishing vessel to which any of the requirements sections 1 to 3 applies shall go to sea unless the requirement is complied with.

- (2) If a fishing vessel goes to sea in contravention of this section the owner and skipper of the vessel are each liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In proceedings for an offence under this section it is a defence for the accused to show that he used all due diligence and took all reasonable precautions to avoid the commission of an offence under this section.

#### *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.
- (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.
- (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

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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 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”.

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

(1) In section 21 of the 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 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,
- (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

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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)”.

### *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—
- “fishing vessel” means a vessel which is for the time being used for or in connection with sea fishing but does not include a vessel used for fishing other than for profit;
  - “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.

## **14 Power to extend provisions to other territories and vessels.**

- (1) Her Majesty may by Order in Council direct that the provisions of Part I of this Act and regulations made under those provisions extend to any of the Channel Islands, with such exceptions, adaptations or modifications as may be specified in the Order.
- (2) Sections 92 to 94 of the Merchant Shipping Act 1970 (unregistered ships and ships registered outside the United Kingdom) apply to section 10 of this Act as they apply to the provisions of the Act.

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- (3) Section 47 of the Merchant Shipping Act 1979 (power to extend Act to certain countries) applies to section 11 of this Act as it applies to the provisions of that Act.
- (4) The references above to specified provisions of this Act include references to other provisions of this Act so far as they have effect for the interpretation of, or otherwise for the purposes of, the specified provisions.

**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.