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SCHEDULES

FIRST SCHEDULE

PROVISIONS OF MERCHANT SHIPPING ACT, 1948, APPLIED WITH MODIFICATIONS FOR THE PURPOSES OF SECTION ONE OF THIS ACT

Application of regulations to fishing boats already registered, under construction &c. (s. 2 (2) to (5) of 1948 Act)

- 1 Where any fishing boat to which regulations made under section one of this Act apply was registered in the United Kingdom under Part I or Part IV of the principal Act immediately before the date on which those regulations came into force, then, unless and until, after that date, the fishing boat is re-registered in the United Kingdom or undergoes substantial structural alterations or repairs (not being repairs carried out in consequence of damage or in an emergency)—
- (a) any requirements of the regulations (including any subsequent regulations amending or substituted for those regulations) relating to matters specified in paragraph (a) or paragraph (b) of subsection (2) of section one of this Act (in this Schedule referred to as " the construction requirements ") shall—
 - (i) in the case of a fishing boat to which corresponding requirements under the law in force immediately before that date were applicable, be deemed to be complied with if those requirements are complied with ;
 - (ii) in any other case, not apply ; and
 - (b) any requirements of any such regulations relating to matters specified in paragraph (c) of the said subsection (2) (in this Schedule referred to as "the survey requirements") shall not apply to any works other than works proposed to be carried out for the purpose of any such alterations or repairs as aforesaid.
- 2 Where regulations made under section one of this Act become applicable—
- (a) to a fishing boat under construction of which the keel was laid before the date on which those regulations came into force;
 - (b) to a fishing boat registered in the United Kingdom under Part I or Part IV of the principal Act after that date, not being a fishing boat to which such regulations applied while she was under construction,
- or where any such fishing boat as is mentioned in the preceding paragraph is re-registered, altered or repaired as mentioned in that paragraph, then, if, upon application made to him by the owner of the fishing boat, the Minister is satisfied, after consultation with the owner of the fishing boat or an organisation or organisations appearing to the Minister to be representative of owners of British fishing boats, and with an organisation or organisations appearing to the Minister to be representative of seamen employed in British fishing boats, that such steps, if any, as are reasonable and practicable have been taken for securing compliance with the construction requirements of the regulations in the case of the fishing boat, he shall certify accordingly.

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- 3 In determining for the purposes of the last preceding paragraph what steps for securing compliance with the construction requirements of any regulations are reasonable and practicable, the Minister shall have regard to the age of the fishing boat, to the purpose for which she is or is intended to be used and to the nature of any alterations or repairs which are carried out, or to the extent to which the construction of the fishing boat had been completed before the date on which the regulations came into force, as the case may be.
- 4 Where any such certificate is issued by the Minister as aforesaid, then, subject to compliance with such conditions, if any, as may be specified in the certificate—
- (a) the construction requirements of the regulations (including any subsequent regulations amending or substituted for those regulations) shall be deemed to be complied with in the case of the fishing boat; and
 - (b) the survey requirements of any such regulations shall not apply to any works other than works proposed to be carried out for the purpose of any such alterations or repairs as are mentioned in paragraph 1 of this Schedule:

Provided that on the occurrence of any such event as is mentioned in the said paragraph 1, the provisions of this paragraph shall cease to have effect in relation to the fishing boat, but without prejudice to the issue of a further certificate under paragraph 2 of this Schedule.