

1988 No. 1656

HEALTH AND SAFETY

The Loading and Unloading of Fishing Vessels Regulations 1988

<i>Made</i> - - - -	<i>26th September 1988</i>
<i>Laid before Parliament</i>	<i>20th October 1988</i>
<i>Coming into force</i>	<i>1st January 1989</i>

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The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(c), (5)(b), and 82(3)(a) of, and paragraphs 1(1)(c), (2), 9, 12, and 18(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974^(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Loading and Unloading of Fishing Vessels Regulations 1988, and shall come into force on 1st January 1989.

^(a) 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“dock gate” means any lock gate or other gate which can close off the entrance to the dock or part of the dock from the sea or other waterway but does not include any gate on land which controls access by vehicles or pedestrians;

“fishing vessel” means any description of craft used for the transport or storage of wet fish, whether used in navigation or not, but does not include a craft when used—

- (a) for the principal purpose of carrying passengers or goods other than wet fish; or
- (b) solely for sport or recreation;

“fish loading process” means the loading, unloading, moving or handling of wet fish on, at, or nearby any quay or on any fishing vessel when moored at the quay or any activity incidental to those activities including the mooring, fuelling and provisioning of the fishing vessel at the quay or the transfer of wet fish from one fishing vessel to another when at least one of the fishing vessels is moored at the quay;

“handling” includes gutting of wet fish and loading of wet fish for transport, but does not include tinning, freezing solid in blocks, curing, freeze-drying or other means of processing;

“maintained” means maintained in an efficient state, in efficient working order and in good repair;

“processed” or “processing” does not include keeping fish, molluscs or crustaceans (or part of them) fresh by placing them on ice;

“quay” includes any wharf, jetty or dock;

“skipper” means the person (except a pilot) having command or charge of the fishing vessel;

“wet fish” includes all fish, molluscs and crustaceans whether living or dead but does not include—

- (i) fishmeal, fish manure or fish guano, or
- (ii) fish, molluscs or crustaceans which are, or have been, tinned, frozen solid in blocks, or otherwise processed.

Application

3. These Regulations shall apply to and in relation to all fish loading processes in Great Britain.

Duties

4. It shall be the duty of every—

- (a) employer;
- (b) self-employed person;
- (c) skipper of a fishing vessel; and
- (d) other person on whom a duty is imposed by section 4 of the 1974 Act,

to comply with all provisions of these Regulations, but such a duty shall extend only to matters within his control.

Safe working place and safe access

5.—(1) Subject to paragraph (2) below, there shall be provided and properly maintained a safe place of work for any person engaged in a fish loading process, and safe access to and egress from that place of work or any other place which any person has to visit for the purpose of the fish loading process.

(2) So far as is reasonably practicable all floors, decks, surfaces, stairs, steps, passages and gangways in any place described in paragraph (1) above shall be kept free from any substance likely to cause persons to slip or fall or vehicles to skid.

(3) There shall be provided secure and adequate fencing at the following places where persons are engaged in fish loading processes, that is to say—

- (a) every break, dangerous corner or other dangerous part or edge of a quay;

- (b) every open side of a gangway, footway over a bridge, caisson or dock gate; and
- (c) any other place not being a quay where any person working or passing might fall a distance of more than two metres;

except in so far as such fencing is impracticable because of the nature of the work carried out there and either work is in progress or there is a short interruption for a meal or other purpose.

(4) Each part of a quay or fishing vessel where persons are engaged in a fish loading process, and every means of access to and egress from there, shall be suitably and adequately lighted.

(5) Where persons are engaged in a fish loading process there shall be provided adequate and suitable—

- (a) rescue and life-saving equipment;
- (b) means to effect escape from danger; and
- (c) fire-fighting equipment,

and they shall be spaced at intervals that are reasonable in all the circumstances and properly maintained.

Safety of work and equipment

6.—(1) Every fish loading process shall be planned and executed in such a manner as to ensure, so far as is reasonably practicable, that no persons will be exposed to danger.

(2) Where persons are engaged in a fish loading process safe plant and equipment shall, so far as is reasonably practicable, be provided and properly maintained.

Exemption certificates

7.—(1) Subject to paragraph (2) below, the Health and Safety Executive may, by certificate in writing, exempt any person or class of persons, or activity or class of activities to which these Regulations apply, from any requirement imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced because of it.

Enforcement

8. Notwithstanding the provisions of regulation 3, but without prejudice to regulation 5, of the Health and Safety (Enforcing Authority) Regulations 1977^(a), the authority responsible for enforcing—

- (a) these Regulations; and
- (b) sections 2 to 4 and 6 to 8 of the 1974 Act in relation to a fish loading process,

shall be the Health and Safety Executive.

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

26th September 1988

^(a) S.I. 1977/746, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose health and safety requirements with respect to fish loading processes, that is to say, the loading, unloading, moving or handling of wet fish at or near a quay or on a fishing vessel when moored at the quay, and incidental activities. For this purpose the handling of wet fish does not include tinning, freezing solid in blocks, curing, freeze-drying or other means of processing.

The Regulations:—

- (a) impose requirements with respect to the provision and maintenance of a safe place of work and means of access (regulation 5(1) and (2));
- (b) require fencing at specified places (regulation 5(3));
- (c) require the provision of suitable and adequate lighting (regulation 5(4));
- (d) require the provision of rescue, life-saving and fire-fighting equipment and means to effect escape from danger, and require the proper maintenance thereof (regulation 5(5));
- (e) require fish loading processes to be planned and executed to avoid danger, and require safe plant and equipment to be provided and maintained (regulation 6).

The Regulations provide for the issue of certificates of exemption by the Health and Safety Executive (regulation 7) and provide for enforcement by the Executive of the Regulations and sections 2 to 4 and 6 to 8 of the Health and Safety at Work etc. Act 1974 in relation to fish loading processes.

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