
STATUTORY INSTRUMENTS

2002 No. 2201

MERCHANT SHIPPING
SAFETY

**The Fishing Vessels (Safety of 15–
24 Metre Vessels) Regulations 2002**

Made - - - - 21st August 2002
Laid before Parliament 23rd August 2002
Coming into force - - 23rd November 2002

Whereas the Secretary of State is a Minister designated^{M1} for the purpose of section 2(2) of the European Communities Act 1972 (“the 1972 Act”)^{M2} in relation to measures relating to the safety of ships, and the health and safety of persons on them;

And whereas, in so far as the following Regulations are made in the exercise of powers conferred by section 43 of the Merchant Shipping Act 1995 (“the 1995 Act”)^{M3} the Secretary of State has in pursuance of section 306(4) of that Act consulted with organisations in the United Kingdom appearing to him representative of persons who will be affected by the Regulations;

And whereas, in so far as the following Regulations are made in the exercise of powers conferred by section 85 of the 1995 Act, the Secretary of State has in pursuance of section 86(4) of that Act consulted such persons in the United Kingdom as he considers will be affected by his proposal to make these Regulations;

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 85(1)(a), (3), (5) and (7) and 86(1) and (2) of the 1995 Act and, as respects amendments to the Regulations referred to in paragraphs 37 to 46 of the Schedule to these Regulations, in exercise of the powers conferred by section 2(2) of the 1972 Act and sections 43 and 307 of the 1995 Act, and in each case of all other powers enabling him in that behalf, hereby makes the following Regulations:

Marginal Citations

M1 [S.I. 1995/595](#).

M2 [1972 c. 68](#); by virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the [European Economic Area Act 1993 \(c. 51\)](#), regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement of the European Economic Area signed at Oporto on 2nd May 1992 (Cmnd. 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cmnd. 2183).

Status: Point in time view as at 23/11/2002.

Changes to legislation: There are currently no known outstanding effects for the The Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 (revoked). (See end of Document for details)

M3 1995 c. 21; there are amendments to sections 85 and 86 which are not relevant to these Regulations.

Citation and commencement

1. These Regulations may be cited as the Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 and shall come into force on 23rd November 2002.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“Certifying Authority” means the MCA or such other organisation as may be specified from time to time in the Code of Practice as a Certifying Authority;

“Code of Practice” means the “Code of Safe Working Practice for the Construction and Use of 15 metre (LOA) to less than 24 metres (L) Fishing Vessels” set out in Merchant Shipping Notice MSN 1770, and includes any document amending it which the Secretary of State considers relevant from time to time for all or any of the purposes in section 85(1) of the Act and specifies accordingly in a Merchant Shipping Notice;

“categorised waters” means waters categorised as Category A, B, C or D in Merchant Shipping Notice MSN 1758(M), or in any subsequent Merchant Shipping Notice amending or replacing that Notice which the Secretary of State considers relevant from time to time;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992^{M4} as adjusted by the Protocol signed at Brussels on 17th March 1993^{M5};

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure”—

- (a) includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel,
- (b) does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“Merchant Shipping Notice”, “Marine Guidance Note” and “Marine Information Note” means a notice or note described as such and issued by the MCA;

“owner” means the registered owner of a vessel, unless that vessel has been chartered by demise or is managed, either wholly or in part, by a person other than the registered owner under the terms of a management agreement; in that case, the owner shall be construed as the demise charterer or other person managing the vessel as appropriate;

“registered length” means the measurement which—

- (a) is recorded as the registered length in the vessel’s certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993^{M6}, in the case of a United Kingdom fishing vessel,
- (b) is recorded as the registered length in any equivalent certificate issued in the case of a vessel registered outside the United Kingdom, or

(c) would be the registered length if the vessel were a United Kingdom fishing vessel, in the case of an unregistered vessel;

“relevant inspector” means a person mentioned in paragraph (a), (b) or (c) of section 258(1) of the Act;

“United Kingdom fishing vessel” means a fishing vessel which is registered in the United Kingdom; and

“voyage” includes an excursion, and shall be taken to commence when a vessel leaves its berth or anchorage at a port.

(2) Subject to paragraph (3), where a provision in the Code of Practice refers to “should”, that word shall be construed as “shall” for the purposes of these Regulations.

(3) Where the Code of Practice contains reference to—

(a) a specified merchant shipping or fishing vessel statutory instrument other than the Fishing Vessels (Safety Provisions) Rules 1975^{M7},

(b) guidance or a recommendation, or

(c) a Merchant Shipping Notice, Marine Guidance Note or Marine Information Note,

that reference shall not be construed for the purposes of these Regulations as imposing a requirement to comply with such statutory instrument, guidance, recommendation, Notice or Note.

Marginal Citations

M4 Cmnd. 2073.

M5 Cmnd. 2183.

M6 [S.I. 1993/3138](#), to which there are amendments not relevant to these Regulations.

M7 [S.I. 1975/330](#), the relevant amending instruments are [S.I. 1998/928](#), 1999/2998 and 2001/9; those Rules now have effect under sections 121 and 122 of, and paragraph 7 of Schedule 14 to, the Merchant Shipping Act 1995.

Application

3.—(1) These Regulations (except regulation 10) apply to United Kingdom fishing vessels of at least 15 metres length overall but less than 24 metres registered length.

(2) Regulations 10 to 12 apply to any fishing vessel, other than a United Kingdom fishing vessel, of at least 15 metres length overall but less than 24 metres registered length while it is within United Kingdom waters.

Prohibition on proceeding on any voyage unless Code of Practice complied with

4.—(1) Subject to the following paragraphs and to regulation 5, a vessel shall not proceed on any voyage unless the vessel complies with the requirements of the Code of Practice.

(2) Paragraph (1) does not apply where a vessel operates solely within categorised waters and complies with those requirements of the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001^{M8} which would apply if the vessel were of the maximum length overall to which those Regulations apply.

(3) Where, in relation to a particular matter, the Code of Practice provides that an existing vessel may or should continue to comply with requirements in the Fishing Vessels (Safety Provisions) Rules 1975, such a vessel shall be treated as complying with the requirements of the Code of Practice provided that it complies with the requirements in those Rules.

(4) Paragraph (1) does not apply in relation to the requirements referred to in Chapter 11 of the Code of Practice (Clean Seas).

Marginal Citations

M8 [S.I. 2001/9](#), as amended by the Schedule to S.I. 2002/...

Equivalent provisions

5.—(1) Where the Code of Practice requires that a particular fitting, material, appliance or apparatus or type thereof shall be fitted or carried in a vessel, or that any particular provision shall be made, the Secretary of State shall permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried or any other provision to be made in that vessel, if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus or type thereof or provision is at least as effective for the purpose for which the requirement in the Code of Practice is set.

(2) For the purposes of the Code of Practice, the results of a verification or test shall be accepted if the verification or test is carried out—

- (a) in accordance with the Code of Practice or with a Code of Practice, specification or technical description of an EEA State other than the United Kingdom offering equivalent levels of safety, suitability and fitness for the purpose; and
- (b) by a body or laboratory of an EEA State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.

Approvals

6.—(1) Where the Code of Practice requires an approval to be obtained, a Certifying Authority may give that approval.

(2) A Certifying Authority may, on giving reasonable notice, cancel or alter the terms of such an approval.

(3) An approval given under paragraph (1), and an alteration or cancellation under paragraph (2), shall—

- (a) be given in writing,
- (b) specify the date on which it takes effect, and
- (c) in the case of the giving of an approval, specify the conditions (if any) on which it is given.

Exemptions

7.—(1) The MCA may grant exemptions from regulation 4(1) so far as it relates to all or any of the requirements in the Code of Practice (as may be specified in the exemption) for individual cases or classes of cases on such terms (if any) as it may specify, if it is satisfied that—

- (a) compliance with such requirement or requirements is either impracticable or unreasonable in that case or class of case, and
- (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equivalent to that provided by the requirement or requirements from which exemption is being granted.

(2) The MCA may, on giving reasonable notice, alter or cancel any exemption granted under paragraph (1).

(3) An exemption granted under paragraph (1), and an alteration or cancellation under paragraph (2) shall—

- (a) be given in writing,
- (b) specify the date on which it takes effect, and
- (c) in the case of the grant of an exemption, specify the terms (if any) on which it is granted.

Penalties

8.—(1) Subject to paragraph (2), if a vessel proceeds or attempts to proceed on any voyage in contravention of regulation 4(1), then the owner shall be guilty of an offence, punishable only on summary conviction by a maximum fine not exceeding level 5 on the standard scale.

(2) If a vessel proceeds or attempts to proceed on any voyage in contravention of a provision of the Code of Practice which imposes a requirement on the skipper, the skipper (instead of the owner) shall be guilty of an offence, punishable only on summary conviction by a maximum fine not exceeding level 5 on the standard scale.

(3) In relation to a requirement of the Code of Practice, if the owner of a vessel makes a declaration which he knows to be false in a material particular or which is false in a material particular and which he does not believe to be true, he shall be guilty of an offence, punishable only on summary conviction by a maximum fine not exceeding level 5 on the standard scale.

(4) It shall be a defence for a person charged under paragraph (1) or (2) to show that he took all reasonable precautions to avoid the commission of the offence.

Inspection and detention of a United Kingdom fishing vessel

9.—(1) A relevant inspector may inspect any United Kingdom fishing vessel referred to in regulation 3(1), and if he is satisfied that there has been a failure to comply in relation to that vessel with the requirements of regulation 4 of these Regulations, he may detain the vessel until the health and safety of the skipper, crew and any other persons aboard the vessel are secured.

(2) The relevant inspector shall not in the exercise of his powers under this regulation detain or delay the vessel unreasonably.

Inspection and detention and other measures in respect of non United Kingdom fishing vessels

10.—(1) A relevant inspector may inspect any fishing vessel referred to in regulation 3(2) when the vessel is in a United Kingdom port, and if satisfied that the vessel does not conform to the standards required of United Kingdom fishing vessels by these Regulations, and that the conditions on board are clearly hazardous to health and safety, he may—

- (a) take such measures as are necessary to rectify those conditions, or
- (b) detain the vessel,

when the vessel has called at the United Kingdom port in the normal course of business.

(2) If either of the measures specified in paragraph (1)(a) or (b) is taken, the relevant inspector shall forthwith notify the nearest maritime, consular or diplomatic representative of the state whose flag the vessel is entitled to fly.

(3) The relevant inspector shall not in the exercise of his powers under this regulation detain or delay the vessel unreasonably.

Status: Point in time view as at 23/11/2002.

Changes to legislation: There are currently no known outstanding effects for the *The Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 (revoked)*. (See end of Document for details)

Detention

11. Where a fishing vessel is liable to be detained under these Regulations, section 284 of the Act^{M9} (which relates to the detention of a ship) shall have effect in relation to the vessel, subject to the modification that for the words “this Act”, wherever they appear, there shall be substituted “ the Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002^{M10} ”.

Marginal Citations

M9 Section 284 was amended by the [Merchant Shipping and Maritime Security Act 1997 \(c. 28\)](#), [Schedule 1](#), paragraph 5.

M10 S.I. 2002/....

Compensation

12. Sections 96 and 97 of the Act (arbitration and compensation) shall apply in relation to a detention notice under these Regulations as they apply to a detention notice under section 95(3) of the Act, and in such application, “relevant inspector” means a person making an inspection under these Regulations.

Amendment of other legislation

13. The amendments set out in the Schedule shall have effect.

Transitional provision

14. Notwithstanding the amendments of the Fishing Vessels (Safety Provisions) Rules 1975 set out in the Schedule, a certificate issued pursuant to those Rules shall be treated as equivalent to a certificate issued under the Code of Practice, and any such certificate shall remain valid for such period and subject to such conditions as may be specified in that certificate.

Signed by authority of the Secretary of State for Transport

21st August 2002

John F. Spellar
Minister of State,
Department for Transport

THE SCHEDULE

Regulation 13

AMENDMENT OF OTHER LEGISLATION

Amendment of the Fishing Vessels (Safety Provisions) Rules 1975

1. The Fishing Vessels (Safety Provisions) Rules 1975 shall be amended as follows.
2. Subject to the following paragraphs, in each Rule the words “of 12 metres in length and over”, wherever they appear, shall be omitted.
3. In Rule 1(2)—
 - (a) in sub-paragraph (a), for “Rule 1A” there shall be substituted “ Rules 1A and 1B ”, and “other than fishing vessels of less than 12 metres in length” shall be omitted,
 - (b) for sub-paragraph (b) there shall be substituted—
 - “(b) Where a heading of a Rule refers to additional requirements, that Rule shall come into force on 23rd November 2002 for fishing vessels constructed before 23rd November 1995 only in so far as their structural characteristics permit.”,
 - and
 - (c) in sub-paragraph (c), at the end of paragraph (i) the word “and” and paragraph (ii) shall be omitted.
4. In Rule 1(5), in the definition of “Machinery space”—
 - (a) the words “in relation to vessels of 24.4 metres in length and over” shall be omitted, and
 - (b) the words “and in relation to vessels of less than 24.4 metres in length, means the main engine room” shall be omitted.
5. After Rule 1A there shall be inserted—

“1B United Kingdom vessels of less than 15 metres length overall, or of at least 15 metres length overall but less than 24 metres registered length

These Rules do not apply to fishing vessels to which either of the following apply—

 - (a) the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 ^{M11};
 - (b) the Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 ^{M12}.”

Marginal Citations

M11 S.I. 2001/9, as amended by S.I. 2002/....

M12 S.I. 2002/....

6. In Rule 5—
 - (a) paragraphs (2) and (3)(a)(i) shall be omitted, and
 - (b) in paragraph (3)(a), the words “of lengths more than 24.4 metres but” shall be omitted.
7. In Rule 8, the words “and provided further that” to the end shall be omitted.
8. For the heading to Rule 16A, there shall be substituted “Additional requirements relating to stability”.
9. For the heading to Rule 20A, there shall be substituted “Additional requirements relating to control position”.

Status: Point in time view as at 23/11/2002.

Changes to legislation: There are currently no known outstanding effects for the *The Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 (revoked)*. (See end of Document for details)

- 10.** In Rules 25, 27 and 30—
- (a) in the heading to each Rule, the words “—vessels of 24.4 metres in length and over” shall be omitted, and
 - (b) in paragraph (1) of each Rule, the words “of 24.4 metres in length and over” shall be omitted.
- 11.** Rules 26, 28, 31, 37, 42, 42A, 43(6), 46, 54B, 67, 69, 71, 79, 80, 104, 105 and 120 shall be omitted.
- 12.** In Rule 34—
- (a) in paragraph (3), the words “of 24.4 metres in length and over,” shall be omitted,
 - (b) paragraph (9) shall be omitted, and
 - (c) in paragraph (10), for the words “vessels of 12 metres in length and over to which these Rules apply” there shall be substituted “ every such vessel ”.
- 13.** In Rule 36—
- (a) for the heading there shall be substituted “ Bilge pumping requirements ”, and
 - (b) in paragraph (1), the words “of 24.4 metres in length and over” shall be omitted.
- 14.** In Rule 41—
- (a) for the heading there shall be substituted “ Electrical installations ”,
 - (b) in paragraph (1), the words “of 24.4 metres in length and over” shall be omitted, and
 - (c) in paragraph (9), the words “24.4 metres in length and over but” shall be omitted.
- 15.** For the heading to Rule 41A, there shall be substituted “Additional requirements relating to electrical swichboards”.
- 16.** In Rule 45—
- (a) in the heading, the words “of 24.4 metres in length and over” shall be omitted, and
 - (b) in paragraph (1), the words “of 24.4 metres in length and over” shall be omitted.
- 17.** In Rule 49—
- (a) in the heading, the words “—vessels of 24.4 metres in length and over” shall be omitted, and
 - (b) the words “of 24.4 metres in length and over” shall be omitted.
- 18.** In Rule 51, in the sub-heading to paragraph (3) the words “for vessels of 15 metres in length or over” shall be omitted.
- 19.** For the heading to Rule 54A, there shall be substituted “ Additional requirements relating to equipment used in hoisting ”.
- 20.** In Rule 56—
- (a) in paragraph (4), the words “in vessels of 24.4 metres in length and over” shall be omitted,
 - (b) in paragraph (5), the last sentence shall be omitted,
 - (c) in paragraphs (9) and (20), for “every vessel of 24.4 metres in length and over to which these Rules apply” there shall be substituted “ every such vessel ”, and
 - (d) in paragraph (10), for “every vessel of 12 metres in length and over to which these Rules apply” there shall be substituted “ every such vessel ”.
- 21.** In Rules 57(11) and 58(10), for “every vessel of 24.4 metres in length and over to which these Regulations apply” there shall be substituted “ every such vessel ”.

- 22.** In Rule 60—
- (a) sub-paragraph (a) of paragraph (2) shall be omitted, and
 - (b) in paragraph (5), the words “of 12 metres in length and over to which these Regulations apply” shall be omitted.
- 23.** For the heading to Rule 60A, there shall be substituted “Additional requirements relating to emergency routes and exits”.
- 24.** In Rule 62, the words “and in other vessels of 24.4 metres in length and over” shall be omitted.
- 25.** For the heading to Rule 63A, there shall be substituted “Additional requirements relating to traffic routes”.
- 26.** For the heading to Rule 65A, there shall be substituted “Additional requirements relating to spaces accessible to workers, work or handling areas, and accommodation ladders etc”.
- 27.** In Rule 65B—
- (a) at the beginning there shall be inserted the heading “Personal protective equipment”, and
 - (b) in paragraph (1), for “protection” there shall be substituted “protective”.
- 28.** For the heading in Rule 72A, there shall be substituted “Additional requirements relating to electronic aids to navigation”.
- 29.** In Rules 78 and 103, in the heading and in paragraph (1), the words “24.4 metres in length and over but” shall be omitted.
- 30.** In Rule 87—
- (a) in paragraph (1), the words “of 17 metres in length and over” shall be omitted,
 - (b) paragraph (2) shall be omitted, and
 - (c) in paragraph (3), for “every vessel to which these Rules apply” there shall be substituted “every such vessel”.
- 31.** For the heading to Rule 106A, there shall be substituted “Additional requirements relating to signs for manually-operated fire-fighting equipment”.
- 32.** In Rule 111(4), the words “of 24.4 metres in length and over” shall be omitted.
- 33.** In Rule 121—
- (a) in paragraph (1), the words “of 24.4 metres in length and over” shall be omitted, and
 - (b) paragraph (2) shall be omitted.
- 34.** In Rule 124, the words “76(3)(a), 77(5)(a),” and “79(b)” shall be omitted.
- 35.** In Rule 125A, for “Rules 78(3)(a) and 79(b)” there shall be substituted “Rule 78(3)(a)”.
- 36.** In Rule 126B, the words “for fishing vessels of 24 metres in length and over”, where they first appear, shall be omitted.

Amendment of the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975

- 37.** The Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975^{M13} shall be amended as follows.

Status: Point in time view as at 23/11/2002.

Changes to legislation: There are currently no known outstanding effects for the The Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 (revoked). (See end of Document for details)

Marginal Citations

M13 [S.I. 1975/2220](#), the relevant amending instrument is [S.I. 1998/929](#).

38. In regulation 1(2), after the definition of “Register” there shall be inserted—

““registered length” means the measurement which—

- (a) is recorded as the registered length in the vessel’s certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993 ^{M14}, in the case of a registered fishing vessel, or
- (b) would be the registered length if the vessel were registered under Part II of the Register, in the case of an unregistered vessel;”.

Marginal Citations

M14 [S.I. 1993/3138](#), to which there are amendments not relevant to these Regulations.

39. In regulation 2(1), for “24.4 metres or more in length” there shall be substituted “ 24 metres or more registered length ”.

40. In regulation 2(2)—

- (a) in sub-paragraph (a), the words “of 15 metres in length or more” shall be omitted,
- (b) in sub-paragraph (b), the words “of 18 metres in length or over” shall be omitted, and
- (c) sub-paragraph (c) shall be omitted.

41. In regulation 3(1), for “24.4 metres or over in length” there shall be substituted “ 24 metres or more registered length ”.

42. In the sub-heading to regulation 6(7), and in the heading to regulations 16A, 25A and 27A, the words “of 15 metres or more in length” shall be omitted.

43. In the sub-heading to regulation 6(8) and in the heading to regulation 14A, the words “of 18 metres in length or more” shall be omitted.

44. In the headings to regulations 10A, 15A and 29A, and in the sub-heading to regulations 7(9) and 11(4), the words “of 18 metres in length or more” and “of 15 metres or more in length” shall be omitted.

45. In the heading to regulation 25B, the words “of 18 metres in length and over” and “of 15 metres or more in length” shall be omitted.

46. In regulation 36—

- (a) in the heading the words “of 15 metres or more in length” shall be omitted, and
- (b) for “at work in places” there shall be substituted “ at workplaces ”.

Amendment of the Fishing Vessels (Life-Saving Appliances) Regulations 1988

47. The Fishing Vessels (Life-Saving Appliances) Regulations 1988 ^{M15} shall be amended as follows.

Marginal Citations

M15 [S.I. 1988/38](#), the relevant amending instruments are [S.I. 1998/927](#) and 2001/9.

48. In regulation 2(4), for “United Kingdom fishing vessels of 12 metres in length and over but less than 24 metres in length” there shall be substituted—

“existing United Kingdom fishing vessels of 24 metres in length and over.”.

49. In regulation 5(1), the words “of 12 metres in length and over” shall be omitted.

50. For the heading, before regulation 5A, there shall be substituted “ Life-saving and survival equipment ”.

51. Regulation 5A shall be omitted.

52. Before regulation 5C the heading “Recovery of persons overboard” shall be inserted.

Amendment of the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999

53. The Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999 ^{M16} shall be amended as follows.

Marginal Citations

M16 [S.I. 1999/3210](#).

54. In regulation 3(1)—

(a) after the definition of “length” there shall be inserted—

““length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure”—

- (a) includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel,
- (b) does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;”;

and

(b) in the definition of “non-Directive fishing vessel”, for “12 metres or more” in both places there shall be substituted “ at least 15 metres length overall ”.

55. In the heading to Part III, for “12 metres or more” in both places there shall be substituted “ at least 15 metres length overall ”.

Amendment of the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001

56. The Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 shall be amended as follows.

57. In regulation 2, for the definition of “length” there shall be substituted—

““length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure”—

- (a) includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel,

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- (b) does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;”.

58. In regulation 3, for “of less than 12 metres in length” there shall be substituted “ of less than 15 metres length overall ”.

59. At the beginning of regulation 6, for “A vessel” there shall be substituted “ Subject to regulation 7, a vessel ”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for fishing vessels of at least 15 metres length overall but less than 24 metres registered length to comply with the requirements of the “Code of Safe Working Practice for the Construction and Use of 15 metre (LOA) to less than 24 metre (L) Fishing Vessels” (“the Code of Practice”) published by the Maritime and Coastguard Agency (regulations 3 and 4). The Regulations amend the Fishing Vessels (Safety Provisions) Rules 1975 and the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975, so that those instruments no longer apply to fishing vessels of less than 24 metres registered length. They amend the Fishing Vessels (Life-Saving Appliances) Regulations 1988 so that they only apply to existing vessels of 24 metres in length and over. They also amend the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999 so that Part III of that instrument applies to new and existing fishing vessels of at least 15 metres length overall. The Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 are also amended so that that instrument applies to fishing vessels of less than 15 metres length overall. (Regulation 13 and the Schedule).

The Regulations provide that if a vessel proceeds or attempts to proceed on any voyage without complying with the Code of Practice, that is an offence on the part of the owner or the skipper (regulation 4). The Regulations provide for penalties (regulation 8), and for the inspection and detention of vessels (regulations 9 to 12).

The Regulations provide for equivalent provisions (regulation 5), the giving of approvals (regulation 6) and exemptions (regulation 7).

Transitional provision is made in relation to existing certificates (regulation 14).

A Regulatory Impact Assessment and a Transposition Note have been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG, (telephone number 023 8032 9297). The Transposition Note explains how EC Directive [93/103/EC](#) is transposed by these Regulations, but in a different way to previously.

The Code of Practice referred to in these Regulations is published as Merchant Shipping Notice MSN 1770 by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Unit 6, Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG, (telephone 0115 901 3336; fax 0115 901 3334; e-mail orders mca@promo-solution.com).

The Code may also be accessed via the MCA’s website <http://www.mcga.gov.uk>.

These Regulations were notified in draft to the European Commission in accordance with Directive [98/34/EC](#) of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21/7/1998, p. 37–48).

Status:

Point in time view as at 23/11/2002.

Changes to legislation:

There are currently no known outstanding effects for the The Fishing Vessels (Safety of 15–24 Metre Vessels) Regulations 2002 (revoked).