

2003 No. 1112

**MERCHANT SHIPPING
SAFETY**

**The Fishing Vessels (EC Directive on Harmonised Safety
Regime) (Amendment) Regulations 2003**

<i>Made</i> - - - - -	<i>14th April 2003</i>
<i>Laid before Parliament</i>	<i>16th April 2003</i>
<i>Coming into force</i> - -	<i>7th May 2003</i>

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of powers conferred by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fishing Vessels (EC Directive on Harmonised Safety Regime) (Amendment) Regulations 2003 and shall come into force on 7th May 2003.

Interpretation

2. In these Regulations—
“1999 Regulations” means the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999(b); and
“2002 Commission Directive” means Commission Directive 2002/35/EC(c) of 25th April 2002 amending Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.

Purpose

3. The purpose of these Regulations is to implement the 2002 Commission Directive.

Amendment of the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999

4. The 1999 Regulations shall be amended as follows.
5. In Regulation 2—
(a) after the definition of “1988 Regulations” insert—
““1994 Council Directive” means Council Directive 94/57/EC(d) of 22nd November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations;

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.
(b) S.I. 1999/2998, amended by S.I. 1999/3210.
(c) OJ L 112, 27.4.2002, p. 21.
(d) OJ L 319, 12.12.1994, p. 20.

“1995 Act” means the Merchant Shipping Act 1995;

“1997 Council Directive” means Council Directive 97/70/EC(a) setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;

“1999 Regulations” means the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999(b);

“2002 Commission Directive” means Commission Directive 2002/35/EC(c) of 25th April 2002 amending Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;”;

- (b) omit the definition of “Council Directive”;
- (c) in the definition of “existing fishing vessel”, for “new fishing vessel” substitute “new (1999) or new (2003) fishing vessel”;
- (d) after the definition of “heavy drift ice” insert—
““IMO” means the International Maritime Organization;”;
- (e) in the definition of “MCA”, for “Department of the Environment, Transport and the Regions” substitute “Department for Transport”;
- (f) for the definition of “new fishing vessel”, substitute—
““new (1999) fishing vessel” means a fishing vessel for which:
 - (a) on or after 1st January 1999 but before 1st January 2003 the building or major conversion contract is placed;
 - (b) the building or major conversion contract has been placed before 1st January 1999, and which is delivered three years or more after that date; or
 - (c) in the absence of a building contract, on or after 1st January 1999 but before 1st January 2003:
 - the keel is laid,
 - construction identifiable with a specific ship begins, or
 - assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
“new (2003) fishing vessel” means a fishing vessel for which:
 - (a) on or after 1st January 2003 the building or major conversion contract is placed;
 - (b) the building or major conversion contract has been placed on or after 1st January 1999 but before 1st January 2003, and which is delivered three years or more after 1st January 2003; or
 - (c) in the absence of a building contract, on or after 1st January 2003:
 - the keel is laid,
 - construction identifiable with a specific ship begins, or
 - assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;”;
- (g) after the definition of “Radio Regulations” insert—
““recognised organisation” means an organisation authorised by written agreement with the MCA pursuant to Articles 3.2, 5 and 6 of the 1994 Council Directive to perform duties referred to in Article 3.2(i) and (ii), and which is accordingly a recognised organisation for the purposes of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996(d);
“relevant ISO standards” means standards of the International Organization for Standardization which—
 - (a) relate to the matter in question and to all or any of the purposes set out in section 85(1) of the 1995 Act, and
 - (b) apply as at 1st January 2003 or are subsequently specified for the purposes of these Regulations in a Merchant Shipping Notice which is considered by the Secretary of State to be relevant from time to time;
“relevant rules of a recognised organisation” means rules of a recognised organisation which—

(a) OJ L34, 9.2.98, p. 1, amended by Commission Directive 1999/19/EC (OJ L83, 27.3.99, p. 48) which is not relevant to these Regulations.

(b) S.I. 1999/2998, amended by S.I. 1999/3210.

(c) Cmnd. 3708.

(d) S.I. 1996/2908, to which there are amendments not relevant to these Regulations.

- (a) relate to the matter in question and to all or any of the purposes set out in section 85(1) of the 1995 Act, and
 - (b) apply as at 1st January 2003 or are subsequently specified for the purposes of these Regulations in a Merchant Shipping Notice which is considered by the Secretary of State to be relevant from time to time;” and
 - (h) for the definition of “United Kingdom fishing vessel”, substitute—
 - ““United Kingdom fishing vessel” means a fishing vessel registered in the United Kingdom, and—
 - (a) “new (1999) United Kingdom fishing vessel” means such a vessel which is a new (1999) fishing vessel, and
 - (b) “new (2003) United Kingdom fishing vessel” means such a vessel which is a new (2003) fishing vessel.”.
6. In regulation 4, before “Council” insert “1997”.
 7. For regulation 6 substitute—
 - “6.—(1) New (1999) and existing United Kingdom fishing vessels shall comply with the requirements of Chapters II to VIII and X of the Annex to the Torremolinos Protocol, subject to the modifications set out in Schedule 3 hereto, appropriate to new (1999) and existing fishing vessels respectively.
 - (2) New (2003) United Kingdom fishing vessels shall comply with the requirements of Chapters II to VIII and X of the Annex to the Torremolinos Protocol, subject to the modifications set out in Schedule 4 hereto, appropriate to new (2003) fishing vessels.
 - (3) For the purposes of paragraphs (1) and (2), any reference in Chapters II to VIII and X of the Annex to the Torremolinos Protocol to a “new fishing vessel” shall be construed as a reference to a “new (1999) fishing vessel” and a “new (2003) fishing vessel” respectively.”.
 8. In regulation 8(2), after “new” insert “(1999) fishing vessel”.
 9. In regulation 9, at the end insert—
 - “(3) In relation to new (2003) fishing vessels, the intermediate surveys required under Regulation 6(1)(c) of Chapter I of the Annex to the Torremolinos Protocol shall be carried out at intervals of two years plus or minus three months.”.
 10. In regulation 10(1), before “Council” insert “1997”.
 11. In regulation 15—
 - (a) in paragraph (1), after “Schedule 3” insert “or 4”; and
 - (b) at the end insert—
 - “(3) In relation to new (2003) fishing vessels, the Secretary of State may exempt a vessel from the requirements of Regulation 2(3)(a) of Chapter II if he considers that such requirements are impracticable or unnecessary, taking into account the type and operation of the vessel.”.
 12. In regulation 17(1) and (2), before “Council” insert “1997”.
 13. In the heading to Schedule 3—
 - (a) for “Regulation 6” substitute “Regulation 6(1)”;
 - (b) before “MODIFICATIONS” insert “NEW (1999) AND EXISTING UNITED KINGDOM FISHING VESSELS —”; and
 - (c) before “Council” insert “1997”.
 14. In paragraph 5 of Part I of Schedule 3, after “new” insert “(1999)”.
 15. For paragraph 25 of Part I of Schedule 3, substitute—
 - “25. In Regulation 1, paragraph (1), for “new vessels of 45 metres in length and over” substitute “new (1999) fishing vessels of 24 metres in length and over”.
 16. In paragraph 30 of Part I of Schedule 3 (which introduces a new paragraph (7) at the end of Regulation 5 in Chapter VII of the Annex to the Torremolinos Protocol), before “rules” insert “relevant”.

17. In paragraph 41 of Part I of Schedule 3 (which introduces a new paragraph (7) in Regulation 3 of Chapter X of the Annex to the Torremolinos Protocol) —

- (a) in paragraph (a) of the new paragraph (7), for “to the satisfaction of the Secretary of State” substitute “such as to satisfy the Secretary of State that it is suitable for its purpose”; and
- (b) in paragraph (b) of the new paragraph (7), for “to the satisfaction of the Secretary of State” substitute “which the Secretary of State is satisfied is suitable for its purpose”.

18. At the end of Schedule 3, there shall be inserted, as Schedule 4 to those Regulations, the provision set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Transport

14th April 2003

David Jamieson
Parliamentary Under-Secretary of State
Department for Transport

PROVISION TO BE INSERTED AS SCHEDULE 4 TO THE FISHING VESSELS
(EC DIRECTIVE ON HARMONISED SAFETY REGIME) REGULATIONS 1999

“SCHEDULE 4

NEW (2003) UNITED KINGDOM FISHING VESSELS—MODIFICATIONS OF THE
PROVISIONS OF THE ANNEX TO THE TORREMOLINOS PROTOCOL

PART I

Modifications introduced by Part B of Annex I to the 1997 Council Directive (as amended by the Annex to the 2002 Commission Directive) and by Annexes II to IV to the 1997 Council Directive

CHAPTER I—GENERAL PROVISIONS

1. In Regulation 2(22)(a)(ii), omit “except as may be allowed by the Administration”.

CHAPTER II—CONSTRUCTION, WATERTIGHT INTEGRITY AND EQUIPMENT

2. In Regulation 1(1), for “to the satisfaction of the Administration” substitute “in accordance with the relevant rules of a recognised organisation.”.

3. In Regulation 2(1), for “to the satisfaction of the Administration” substitute “complying with the relevant rules of a recognised organisation”.

4. In Regulation 5(3), for “to the satisfaction of the Administration” substitute “in accordance with the standards given in regulations 14 and 15 of Annex I to the International Convention on Load Lines 1966(a)”.

5. In Regulation 9(1), for the last sentence substitute—

“The height above deck of machinery space ventilator openings, which are necessary to supply continuously the machinery space and, on demand, to supply the generator room immediately, shall in general comply with paragraph (3). However, where due to the vessel’s size and arrangements this is not practicable, the machinery space ventilator openings may be of a lesser height provided they are not less than 900 mm above the working deck and the superstructure deck and that they have weathertight closing appliances in accordance with paragraph (2) and other suitable arrangements to ensure an uninterrupted adequate supply of ventilation to the spaces.”.

6. In Regulation 12(6), at the end insert “taking into account the relevant rules of a recognised organisation, where the rules are based upon the relevant ISO standards(b)”.

7. In Regulation 15, for “to the satisfaction of the Administration” substitute “in accordance with the relevant rules of a recognised organisation”.

8. After Regulation 15, insert—

“Regulation 16

Working decks within an enclosed superstructure

(1) Such decks shall be fitted with an efficient drainage system having an appropriate drainage capacity to dispose of washing water and fish guts.

(2) All openings necessary for fishing operations shall be provided with means for quick and efficient closure by one person.

(a) Cmnd. 3708.

(b) The relevant ISO standards current as at 1st January 2003 are as follows: ISO 614:1989 (Shipbuilding & Marine Structures—Toughened safety glass panes for rectangular windows and side scuttles—Punch method of non-destructive strength testing); ISO 1095:1989 (Shipbuilding & Marine Structures—Toughened safety glass panes for side scuttles); ISO 1751:1993 (Shipbuilding & Marine Structures—Ships’ side scuttles); ISO 3902:1990 (Shipbuilding & Marine Structures—gaskets for rectangular windows and side scuttles); ISO 3903:1993 (Shipbuilding & Marine Structures—Ship’s ordinary rectangular windows); ISO 5779: 1987 (Shipbuilding—Ordinary rectangular windows—Positioning); ISO 5780:1987 (Shipbuilding—side scuttles—Positioning).

(3) Where the catch is brought on to such decks for handling or processing, the catch shall be placed in a pound. Such pounds shall comply with Regulation 11 of Chapter III. An efficient drainage system shall be fitted. Adequate protection against inadvertent influx of water to the working deck shall be provided.

(4) At least two exits from such decks shall be provided.

(5) The clear headroom in the working space shall at all points be not less than two metres.

(6) A fixed ventilation system providing at least six changes of air per hour shall be provided.

Regulation 17

Draught marks

(1) All ships shall be provided with draught marks in decimetres on the stem and the stern on both sides.

(2) Such marks shall be placed as close as practicable to the perpendiculars.

Regulation 18

Tanks for fish in refrigerated (RSW) or chilled (CSW) sea water

(1) If RSW or CSW tanks or similar tank systems are used, such tanks shall be provided with a separate, permanently fitted arrangement for the filling and emptying of seawater.

(2) If such tanks are to be used also for carrying dry cargo, the tanks shall be arranged with a bilge system and provided with adequate means to avoid ingress of water from the bilge system into the tanks.”.

CHAPTER III—STABILITY AND ASSOCIATED SEAWORTHINESS

9. In Regulation 1, for “to the satisfaction of the Administration” substitute “carried out in accordance with the IMO Code on Intact Stability for All Types of Ships(a)”.

10. In Regulation 2—

(a) in paragraph (1)(d), omit “or vessels of 70 metres in length and over”; and

(b) in paragraph (3), at the end insert—

“In vessels with a length of less than 45 metres, such ballast shall be permanent. Where ballast is permanent, it shall be solid and fixed securely in the vessel, or if it is liquid it shall be stored in completely filled tanks which are not connected to any pumping system of the vessel. If liquid ballast is used as permanent ballast to ensure compliance with paragraph (1), details shall be included in the Certificate of Compliance issued to the vessel under regulation 10 of the 1999 Regulations, and in the stability booklet containing the information referred to in that regulation.”.

11. In Regulation 4, at the end insert—

“Vessels engaged in beam trawling shall comply with the following increased stability criteria:

(a) the criteria for the areas under the righting lever curve (GZ curve) and for the righting lever (GZ) as given in regulation 2(1)(a) and (b) shall be increased by 20%;

(b) the metacentric height shall not be less than 500 millimetres;

(c) the criteria as given under paragraph (a) shall be applicable only to vessels with an installed propulsion power not exceeding the value in kilowatts as given in the following formulas:

— $N = 0.6 L_s^2$ for vessels of 35 metres in length or less,

— $N = 0.7 L_s^2$ for vessels of 37 metres in length and over,

—where the length of the vessel is more than 35 metres but less than 37 metres, the coefficient for L_s shall be obtained by interpolation in between 0.6 and 0.7, and

— L_s is the overall length according to the Tonnage Certificate issued under the tonnage regulations in respect of the vessel.

If the installed propulsion power exceeds the values for the standard propulsion power as given in the above formulas the criteria mentioned in paragraph (a) shall be increased in direct proportion to the higher propulsion power.

The increased stability criteria referred to above shall be met in the operating conditions referred to in Regulation 7(1) of this Chapter.

For the purposes of calculating the stability, the derrick booms shall be assumed to be hoisted up to an angle of 45 degrees with the horizontal.”.

12. In Regulation 5—

(a) omit “, to the satisfaction of the Administration”; and

(b) at the end insert “The relevant calculations shall be carried out in accordance with the IMO Code on Intact Stability for All Types of Ships.”.

(a) Code adopted by IMO Resolution A.749(18) on 4th November 1993, and amended by IMO Resolution MSC.75(69).

13. In Regulation 7, after paragraph (1)(d) insert—
 “In addition, for vessels operating in the “Northern Region” the following operating conditions shall also be considered:
- (e) operating condition (b), (c) or (d), whichever produces the lowest values of the stability parameters contained in the stability criteria listed in Regulation 2, shall be calculated including allowance for ice accretion in accordance with the provisions of Regulation 8;
 - (f) for purse seiners, departure from the fishing grounds with the fishing gear, no catch and 30 per cent stores, fuel, etc including allowance for ice accretion in accordance with the provisions of Regulation 8.”.
14. In regulation 8, after paragraph (2) insert—
 “(3) The specific requirements of paragraphs (1) and (2) and the specific guidance given in Recommendation 2 by the Torremolinos Protocol shall be applied with the Northern Region, i.e. also outside the boundaries shown in the chart accompanying the said Recommendation.
- (4) Notwithstanding the provisions of paragraph (1)(a) and (b) the following icing allowance shall be made in the stability calculations for vessels operating in the area north of latitude 63° N between longitude 28° W and longitude 11° W:
- (a) 40 kg/m² on exposed weather decks and gangways;
 - (b) 10 kg/m² for projected lateral area of each side of the vessel above the water plane.”.
15. In Regulation 9—
- (a) for paragraph (2) substitute—
 “(2) Where alterations are made to a vessel affecting its light ship condition or the position of the centre of gravity or both, the vessel shall, if the Secretary of State considers this necessary taking into account the vessel’s stability margins, be re-inclined and the stability information revised. However, if the lightweight variation exceeds 2% from the original lightweight and it cannot be demonstrated by calculation that the vessel continues to comply with the stability criteria, the vessel shall be re-inclined.”; and
 - (b) after paragraph (3) insert—
 “(4) The inclining test and determination of conditions required by Regulation III/9(1) shall be performed at least every ten years.”.
16. For Regulation 12 substitute—
 “The bow height shall be sufficient to prevent the excessive shipping of water.
- For vessels operating in restricted areas not more than 10 miles from the coast, the minimum bow height shall be such as to satisfy the Secretary of State that it is suitable for its purpose, taking into account the seasonal weather conditions, the sea states in which the vessel will operate, the type of vessel and its mode of operation.
- For vessels operating in all other areas:
1. where, during the fishing operations, the catch has to be stowed into the fish holds via hatchways which are situated on an exposed working deck forward to the deckhouse or superstructure, the minimum bow height shall be calculated in accordance with the method of calculation contained in Recommendation 4 of Attachment 3 to the Final Act of the Torremolinos Conference(a);
 2. where the catch has to be stowed into the fish holds via a hatchway which is situated on an exposed working deck protected by a deckhouse or superstructure, the minimum bow height shall be in accordance with regulation 39 of Annex I to the International Convention on Load Lines 1966, but shall not be less than 2,000 millimetres. In this respect the maximum permissible operating draught shall be used in place of the assigned summer freeboard, for the purpose of determining the minimum bow height.”.
17. In Regulation 14—
- (a) omit “, to the satisfaction of the Administration,”; and
 - (b) at the end insert “The calculations of the vessel’s capability shall be carried out in accordance with the Guidance on subdivision and damage stability calculations contained in Recommendation 5 of Attachment 3 to the Final Act of the Torremolinos Conference.”.

CHAPTER IV—MACHINERY AND ELECTRICAL INSTALLATIONS AND PERIODICALLY UNATTENDED MACHINERY SPACES

18. For Regulation 1 substitute—
 “Unless expressly provided otherwise, this Chapter shall apply to new (2003) fishing vessels of 24 metres in length and over.”.

(a) The Recommendations may be found in the 1993 Torremolinos Protocol and Torremolinos International Convention for the Safety of Fishing vessels, consolidated edition 1995, published 1995 by the IMO.

19. In Regulation 3—
- (a) in paragraph (1), for “to the satisfaction of the Administration” substitute “in accordance with the relevant rules of a recognised organisation”;
 - (b) for paragraph (7), substitute—
 - “(7) Regulations 16 to 18 shall be uniformly implemented and applied in accordance with the relevant rules of a recognised organisation, and it shall be for the Secretary of State to determine whether those Regulations have been so implemented and applied.”;
 - (c) for paragraph (9), substitute—
 - “(9) Measures shall be taken to ensure that equipment is functioning in a reliable manner in all operating conditions, including manoeuvring, and that arrangements in accordance with the relevant rules of a recognised organisation are made for regular inspections and routine tests to ensure continuous reliable operation; and it shall be for the Secretary of State to determine whether suitable measures have been taken for these purposes.”; and
 - (d) in paragraph (10), for “to the satisfaction of the Administration” substitute “complying with the relevant rules of a recognised organisation”.
20. In Regulation 6, paragraph (1)—
- (a) for “Provided that the Administration” substitute “However, the Secretary of State”; and
 - (b) at the end, insert “in accordance with the relevant rules of a recognised organisation”.
21. In Regulation 7, at the end insert—
- “, except that in vessels of less than 45 metres in length, where the propulsion machinery is directly controlled from the wheelhouse, the Secretary of State may accept means of communication other than an engine room telegraph.”.
22. In Regulation 8—
- (a) in paragraph (1)(b), for “to the satisfaction of the Administration” substitute “complying with the relevant rules of a recognised organisation”; and
 - (b) at the end of paragraph (1)(d), insert—
 - “On vessels of less than 45 metres in length, the Secretary of State may permit the control station in the machinery space to be an emergency station only, provided that the monitoring and control in the wheelhouse is adequate.”.
23. In Regulation 10—
- (a) in paragraph (4), omit “Subject to the satisfaction of the Administration,”;
 - (b) in paragraph (7)(a)—
 - (i) for “provided that restricted use” to the end of the sentence, substitute “except that the minimum number (as determined in accordance with the relevant rules of a recognised organisation) of flexible pipes may be used.”; and
 - (ii) in the second sentence, omit “, to the satisfaction of the Administration,” and at the end insert “in accordance with the relevant rules of a recognised organisation. Fitting of those flexible pipes shall be in accordance with the IMO Maritime Safety Committee Circular 647 “Guidelines to minimise leakages from flammable liquid systems” published 6 June 1994.”;
 - (c) in paragraph (10)—
 - (i) for “to the satisfaction of the Administration” substitute “in accordance with the relevant rules of a recognised organisation”; and
 - (ii) for “in so far as the Administration may consider necessary” substitute “in so far as necessary, in accordance with the relevant rules of a recognised organisation,”; and
 - (d) in paragraph (11), for “to the satisfaction of the Administration” substitute “in accordance with the relevant rules of a recognised organisation.”.
24. For Regulation 12, substitute—
- “Measures shall be taken to reduce the effects of noise upon personnel in machinery spaces to levels as given in the IMO Code on Noise Levels on Board Ships(a).”.
25. In Regulation 13—
- (a) in paragraph (1), for “to the satisfaction of the Administration” substitute “in compliance with the relevant rules of a recognised organisation.”; and
 - (b) at the end of paragraph (10) insert—
 - “If this power source is electrical, the emergency source of electrical power shall be capable of serving the auxiliary means for activating the rudder for a period of at least ten minutes.”.

(a) The Code was adopted by the IMO by Resolution A468(XII) on 19th November 1981.

26. In Regulation 16—
- (a) for the second sentence, substitute “However, other arrangements having equivalent electrical capability may be provided where these are in accordance with the relevant rules of a recognised organisation.”;
 - (b) at the end of paragraph (1)(b) insert—
“However, in vessels of less than 45 metres in length, in the event of any one of the generating sets being stopped, it shall only be necessary to ensure the functioning of the services essential for propulsion and safety of the vessels.”; and
 - (c) at the end of paragraph (2) insert—
“(3) Navigation lights, if solely electrical, shall be supplied through their own separate switchboard and adequate means for the monitoring of such lights shall be provided.”.
27. In Regulation 17—
- (a) at the end of paragraph (2) insert—
“(2A) Notwithstanding paragraph (2), for vessels of 45 metres in length and over, the emergency source of electrical power shall be capable of serving the installations listed in that Regulation for a period of not less than eight hours.”; and
 - (b) in paragraph (6), after the words “in accordance with this Regulation” insert—
“, other than batteries fitted for the radio transmitter and receiver in vessels of less than 45 metres in length,”.
28. In Regulation 22—
- (a) at the end of paragraph (2)(a) insert—
“However, in vessels of less than 45 metres in length the Secretary of State may permit the system to be capable of sounding and indicating visually each separate alarm function in the wheelhouse only.”;
 - (b) in paragraph (2)(b), for “The alarm system” substitute “In vessels of 45 metres in length and over the alarm system”; and
 - (c) in paragraph (2)(c), for “An engineer’s” substitute “In vessels of 45 metres in length and over an engineer’s”.

CHAPTER V—FIRE PROTECTION, FIRE DETECTION, FIRE EXTINGUISHMENT AND FIRE FIGHTING

29. In Regulation 1, at the end of paragraph (1)(c) insert “up to 75m²”.
30. In Regulation 2—
- (a) in paragraph (1), for “to the satisfaction of the Administration by an established test procedure” substitute “in accordance with the IMO Fire Test Procedures Code(a)”;
 - (b) in paragraph (2), for “The specimen shall have an exposed surface” to the end of the paragraph, substitute—
“The test methods shall be in accordance with the IMO Fire Test Procedures Code. The standard time-temperature curve is defined by a smooth curve drawn through the following internal furnace temperature points:

initial internal furnace temperature	20°C
at the end of the first 5 minutes	576°C
at the end of 10 minutes	679°C
at the end of 15 minutes	738°C
at the end of 30 minutes	841°C
at the end of 60 minutes	945°C.”;
 - (c) in the last sentence of each of paragraphs (3), (4) and (6)—
 - (i) for “may” substitute “shall”, and
 - (ii) at the end insert “in accordance with the IMO Fire Test Procedures Code”;
 - (d) in paragraph (9), for “to the satisfaction of the Administration by an established test procedure” substitute “in accordance with the IMO Fire Test Procedures Code”; and
 - (e) in paragraph (14)(b), for “750kW” substitute “375 kW”.
31. In Regulation 4, paragraph (4), at the end insert “up to 75m²”.
32. In Regulation 7, at the end of the note marked with an asterisk which follows Table 2, insert—
“Where a deck is penetrated for the passage of electrical cables, pipes and vent ducts, such penetrations shall be made tight to prevent the passage of flame and smoke.”.

(a) The Code was adopted by the Maritime Safety Committee of the IMO by Resolution MSC.61(67) in December 1996.

33. In Regulation 8, paragraph (3)(a), second sentence, for “qualities of resistance to the propagation of flame to the satisfaction of the Administration” substitute “low flame spread characteristics, this being determined in accordance with the IMO Fire Test Procedures Code”.

34. In Regulation 9, for paragraph (1)(a)(i) substitute—

“(i) these ducts shall be of a material which has low flame spread characteristics, this being determined in accordance with the IMO Fire Test Procedures Code;”.

35. In Regulation 11, paragraph (2), for the last sentence substitute “, to be determined in accordance with the IMO Fire Test Procedures Code.”.

36. In Regulation 12, paragraph (4), second sentence, for “to the satisfaction of the Administration for use in a flammable atmosphere” substitute “of a certified safe type pursuant to the relevant provisions of the International Standard IEC Publication 79 “Electrical apparatus for explosive gas atmospheres”(a) and shall comply with those provisions”.

37. In Regulation 13—

(a) for paragraph (1)(e) substitute—

“(e) the continuity of the means of escape shall be such as to satisfy the Secretary of State that it is suitable for the purpose of this Regulation. Stairways and corridors used as means for escape shall be not less than 700 millimetres in clear width and shall have a handrail on at least one side. Doorways which give access to a stairway shall be not less than 700 millimetres in clear width.”; and

(b) in paragraph (2)(a), last sentence—

(i) for “, where necessary, to the satisfaction of the Administration” substitute “to “A-60” class standard”; and

(ii) before “self-closing” insert “ “A-60” class”.

38. In Regulation 14, paragraph (11)—

(a) omit “to the satisfaction of the Administration”; and

(b) at the end insert—

“Spare sprinkler heads shall include all types and ratings installed in the vessel and shall be provided as follows:

- less than 100 sprinkler heads: 3 spare heads,
- less than 300 sprinkler heads: 6 spare heads,
- 300 to 1,000 sprinkler heads: 12 spare heads.”.

39. In Regulation 15, paragraph (4), fourth sentence, for “by an amount to be determined by the Administration.” substitute “. Smoke detectors shall be of a type which is certified under the Merchant Shipping (Marine Equipment) Regulations 1999(b) to operate before the smoke density exceeds 12.5% obscuration per metre, but not until the smoke density exceeds 2% obscuration per metre.”.

40. In Regulation 17, paragraph (2), last sentence, for “to the satisfaction of the Administration” substitute “at a minimum pressure of 0.25N/mm²”.

41. In Regulation 20—

(a) for paragraph (2) substitute—

“(2)(a) For each type of fire extinguisher carried, capable of being recharged on board, 100% spare charges for the first 10 extinguishers shall be provided and 50% for the remaining extinguishers but not more than 60.

(b) For fire extinguishers which cannot be recharged on board, at least 50% additional fire extinguishers of the same type and capacity shall be provided in lieu of spare charges.

(c) Instructions for recharging shall be carried on board. Only refills approved for the fire extinguishers in question may be used for recharging.”; and

(b) for paragraph (4) substitute—

“(4) Fire extinguishers shall be examined annually by a competent person; and for these purposes a “competent person” is a person with the necessary training, experience, tools, equipment, information, manuals and knowledge of any special procedures recommended by the manufacturer of the fire extinguisher, to be capable of carrying out the annual examination procedure. Each extinguisher shall be provided with a sign indicating that it has been examined. All containers of permanently pressurised fire extinguishers and propellant bottles of non-pressurised extinguishers shall be hydraulic pressure tested every 10 years.”.

(a) This was published by the International Electro-technical Commission, reference number 60079-0 (2000-06), Edition 3.1 Consolidated Edition, in June 2000.

(b) S.I. 1999/1957.

42. In Regulation 21, for paragraph (2) substitute—
- “(2)(a) For each type of fire extinguisher carried, capable of being recharged on board, 100% spare charges for the first 10 extinguishers shall be provided and 50% for the remaining extinguishers but not more than 60.
- (b) For fire extinguishers which cannot be recharged on board, at least 50% additional fire extinguishers of the same type and capacity shall be provided in lieu of spare charges.
- (c) Instructions for recharging shall be carried on board. Only refills approved for the fire extinguishers in question may be used for recharging.”.
43. In Regulation 22, after paragraph (6) insert—
- “(7) Notwithstanding the provisions of this Regulation, all machinery spaces of category A shall be fitted with a fixed fire extinguishing arrangement.”.
44. In Regulation 24—
- (a) for paragraph (1) substitute—
- “(1) At least two firefighter’s outfits shall be carried. The firefighter’s outfits shall be in accordance with the IMO Fire Safety Systems Code, Chapter III, regulation 2.1, 2.1.1 and 2.1.2(a). Two spare charges shall be provided for each required breathing apparatus.”; and
- (b) in paragraph (2), for “fireman’s” substitute “firefighter’s”.
45. In Regulation 25—
- (a) omit “to the satisfaction of the Administration”; and
- (b) at the end insert “The contents of such a plan shall be in accordance with IMO Resolution A.654(16) “Graphical symbols for fire control plans”(b) and IMO Resolution A.756(18) “Guidelines on the information to be provided with fire control plans”(c).”.
46. In PART C, for the title substitute—
- “PART C—FIRE SAFETY MEASURES IN VESSELS OF
24 METRES IN LENGTH AND OVER BUT LESS THAN
60 METRES”.**
47. In Regulation 28, paragraph (2)(a)—
- (a) for “, insulated to the satisfaction of the Administration” substitute “in accordance with tables 1 and 2 of Regulation 7 of this Chapter”; and
- (b) at the end insert “, where such spaces are considered to be a part of the wheelhouse”.
48. In Regulation 31—
- (a) at the end of paragraph (1), insert “as determined in accordance with the IMO Fire Test Procedures Code”; and
- (b) for the second sentence in paragraph (3), substitute “, this being determined in accordance with the IMO Fire Test Procedures Code.”.
49. In Regulation 32, paragraph (4), second sentence, for “to the satisfaction of the Administration for use in a flammable atmosphere” substitute “of a type which is certified under the applicable statutory provisions as being safe and in compliance with the relevant provisions of the International Standard IEC Publication 79 “Electrical apparatus for explosive gas atmospheres””.
50. In Regulation 35—
- (a) at the end of paragraph (1)(b) insert—
- “; and
- (c) notwithstanding the provisions of paragraphs (a) and (b), at least two fire pumps shall always be provided.”; and
- (b) at the end of paragraph (8), insert “or 25m³/h, whichever is the greatest”.
51. In Regulation 38—
- (a) for paragraph (2) substitute—
- “(2)(a) Except in relation to the cases mentioned in paragraph (b) below, for each type of fire extinguisher carried which is capable of being recharged on board, 100% spare charges for the first 10 extinguishers shall be provided and 50% for the remaining extinguishers, but not more than 60.

(a) This Code was adopted by the IMO Marine Safety Committee in December 2000 by Resolution MSC.98(73). It is available from the IMO under sales number IMO-155E.

(b) This Resolution was adopted by the IMO on 19th October 1989.

(c) This Resolution was adopted by the IMO on 4th November 1993.

- (b) In relation to a vessel of less than 45 metres in length, or where fire extinguishers cannot be recharged on board, at least 50% additional fire extinguishers of the same type and capacity shall be provided in lieu of spare charges.
 - (c) Instructions for recharging shall be carried on board. Only refills approved for the fire extinguishers in question may be used for recharging.”; and
- (b) for paragraph (4) substitute—
- “(4) Fire extinguishers shall be examined annually by a competent person; and for these purposes a “competent person” is a person with the necessary training, experience, tools, equipment, information, manuals and knowledge of any special procedures recommended by the manufacturer of the fire extinguisher, to be capable of carrying out the annual examination procedure. Each extinguisher shall be provided with a sign indicating that it has been examined. All containers of permanently pressurised fire extinguishers and propellant bottles of non-pressurised extinguishers shall be hydraulic pressure tested every 10 years.”.
- 52.** In Regulation 39, for paragraph (2) substitute—
- “(2)(a) Except in relation to the cases mentioned in paragraph (b) below, for each type of fire extinguisher carried which is capable of being recharged on board, 100% spare charges for the first 10 extinguishers shall be provided and 50% for the remaining extinguishers, but not more than 60.
- (b) In relation to a vessel of less than 45 metres in length, or where fire extinguishers cannot be recharged on board, at least 50% additional fire extinguishers of the same type and capacity shall be provided in lieu of spare charges.
 - (c) Instructions for recharging shall be carried on board. Only refills approved for the fire extinguishers in question may be used for recharging.”.
- 53.** In Regulation 40—
- (a) in paragraph (1)(a), for “750kW” substitute “375kW”; and
 - (b) at the end of paragraph (5), insert—
- “(6) Notwithstanding the provisions of this regulation, all machinery spaces of category A shall be fitted with a fixed fire extinguishing arrangement.”.
- 54.** For Regulation 41 substitute—
- “41. In a vessel of 45 metres in length and over, at least two firefighter’s outfits shall be carried and stored in readily accessible and widely separated positions, which are not likely to be cut off in the event of fire. The firefighter’s outfits shall be in accordance with the IMO Fire Safety Systems Code, Chapter III, regulations 2.1, 2.1.1 and 2.1.2.
- At least two spare charges shall be provided for each required breathing apparatus.”
- 55.** For Regulation 42 substitute—
- “42. For a vessel of 45 metres in length and over, there shall be a permanently exhibited fire control plan. The contents of such a plan shall be in accordance with IMO Resolution A.654(16) “Graphical symbols for fire control plans” and IMO Resolution A.756(18) “Guidelines on the information to be provided with fire control plans”.”.

CHAPTER VI—PROTECTION OF THE CREW

- 56.** In Regulation 3, paragraph (2), for “and shall be to the satisfaction of the Administration” substitute—
- “. The freeboard measured amidships from the edge of the working deck from which fishing is undertaken shall be not less than 300 mm or not less than the freeboard corresponding with the maximum permissible operating draught, whichever is the greater. For vessels with sheltered working decks which are so arranged that water will not enter the sheltered working spaces, no minimum freeboard other than the one corresponding with the maximum permissible operating draught is required.”.
- 57.** In Regulation 4, for “to the satisfaction of the Administration” substitute “and constructed in accordance with the relevant ISO standards(a)”.

CHAPTER VII—LIFE-SAVING APPLIANCES AND ARRANGEMENTS

- 58.** In Regulation 1—
- (a) in paragraph (1), for “new vessels of 45 metres in length” substitute “new (2003) vessels of 24 metres in length”; and
 - (b) in paragraph (2), omit “, provided that” to the end.

(a) The relevant ISO standards current as at 1st January 2003 are as follows: ISO 3797:1976 (Shipbuilding—Vertical steel ladders); and ISO 9519:1990 (Shipbuilding & marine structures—Rungs for dog-step ladders).

59. In Regulation 3—

- (a) in paragraph (2), for “the recommendation of the Organization; or” and paragraph (b) substitute “the requirements of Council Directive 96/98/EC(a) on marine equipment, as amended by Commission Directives 98/35/EC(b), 2001/53/EC(c) and 2002/75/EC(d).”; and
- (b) at the end of paragraph (6) insert—

“, taking into account the detailed specifications as given for those appliances in Chapter III of the International Convention for the Safety of Life at Sea, 1974(e), as amended and in force as at 1st January 2003, and in the IMO International Life-Saving Appliances Code(f).”

60. In Regulation 5—

- (a) in paragraph (3) after “75 metres in length” insert “but of 45 metres in length and over”;
- (b) after paragraph (3) insert—

“(3A) Vessels of less than 45 metres in length shall be provided with:

 - (a) survival craft of sufficient aggregate capacity to accommodate at least 200% of the total number of persons on board. Sufficient of these survival craft to accommodate at least the total number of persons on board shall be capable of being launched from either side of the vessel; and
 - (b) a rescue boat, except where the Secretary of State is satisfied that, because of the size and the manoeuvrability of the vessel, the near availability of search and rescue facilities and meteorological warning systems, the operation of the vessel in areas not susceptible to heavy weather or the seasonal characteristics of the operation, such provision is unnecessary.”;
- (c) in paragraph (4), for “paragraph (2)(a) or (3)(a)” substitute “paragraph (2)(a), (3)(a) or (3A)(a)”; and
- (d) after paragraph (6) insert—

“(7) Notwithstanding the provisions of paragraphs (2)(b), (3)(b) and (3A), for fishing vessels whose hull is built to comply with the relevant rules of a recognised organisation for operation in waters with heavy drift ice concentration in compliance with Regulation 1, paragraph (2), of Chapter II of the Annex to the Torremolinos Protocol, the rescue boat/lifeboat required in paragraphs (2)(b), (3)(b) or (3A)(b) shall at least be partially covered (as defined in Regulation 18) and shall have sufficient capacity to accommodate all persons on board.”.

61. In Regulation 6, for paragraph (4)(a) substitute-

- “(4)(a) Each survival craft shall be stowed:
- (i) so that neither the survival craft nor its stowage arrangements will interfere with the operation of any other survival craft or rescue boat at any other launching location,
 - (ii) as near to the water surface as is safe and practicable and, in the case of a survival craft other than a liferaft intended for throw over board launching, in such a position that the survival craft in the embarkation position is not less than 2 metres above the waterline with the vessel in fully loaded condition under unfavourable conditions of trim of up to 10° and listed up to 20° either way, or to the angle at which the vessel’s weatherdeck edge becomes submerged, whichever is less,
 - (iii) in a state of continuous readiness so that the crew members can carry out preparations for embarkation and launching in less than 5 minutes, and
 - (iv) fully equipped as required by this Chapter.”.

62. In Regulation 9—

- (a) in paragraph (1), at the end insert—

“For vessels of less than 45 metres in length, operating in the Southern Region, the number of immersion suits need not be greater than two.”; and
- (b) at the end of paragraph (5), insert—

“(6) For vessels operating in the Northern Region, notwithstanding the provisions of paragraphs (1) to (5) an approved immersion suit, of an appropriate size, complying with the provisions of Regulation 25, shall be provided for every person on board.”.

(a) OJ L 46, 17.2.1997, p. 25.

(b) OJ L 172, 17.6.1998, p. 1.

(c) OJ L 204, 28.7.2001, p. 1.

(d) OJ L 254, 23.9.2002, p. 1.

(e) Cmnd. 7874.

(f) This Code was adopted by the IMO Marine Safety Committee in June 1996 by Resolution MSC.98(73). It is available from the IMO under sales number IMO-982E.

63. In Regulation 10, at the end of paragraph (1)(b) insert—
 “but of 45 metres in length and over;
 (c) four lifebuoys in vessels of less than 45 metres in length.”.
64. In Regulation 13—
 (a) paragraph (1) shall read as paragraph (1)(a);
 (b) at the end of paragraph (1)(a), insert—
 “(b) However, for vessels of less than 45 metres in length, the number of such apparatus may be reduced to two, if the Secretary of State considers the requirement to carry three such apparatus unnecessary taking into account the operation area of the vessel and the number of persons employed on board.”; and
 (c) omit paragraph (2).
65. In Regulation 14, before “At least” insert “(1)”, and at the end, insert—
 “On every vessel of less than 45 metres in length at least one radar transponder shall be carried.
 (2) Notwithstanding the provisions of paragraph (1), for vessels operating in the Northern Region, every lifeboat, rescue boat and life-raft shall permanently be equipped with an approved radar transponder capable of operating in the 9GHz band.”.
66. In Regulation 23—
 (a) in paragraph (1)(b)(i), after “except” insert “for vessels of less than 45 metres in length”;
 (b) for paragraph (1)(b)(ii) substitute—
 “(ii) be capable of carrying at least five seated persons and a person lying down or, for vessels of less than 45 metres in length, in the case of a rescue boat less than 3.8 metres in length, be capable of carrying at least four seated persons and one person lying down.”; and
 (c) in paragraph (1)(c), at the end insert—
 “by means of a seating test. The minimum carrying capacity shall be as given in Regulation 23(1)(b)(ii). Seating, except for the helmsman, may be provided on the floor. No part of a seating position shall be on the gunwale, transom, or on inflated buoyancy at the sides of the boat.”.
67. In Regulation 25, at the end of paragraph (3) insert—
 “(4) Notwithstanding the provisions of paragraphs (1) to (3), all immersion suits required under Regulation 9 paragraph (6) shall, as a single unit, be made of material with inherent insulation and shall also comply with the buoyancy requirements of Regulation 24 paragraph (1)(c)(i). All other relevant requirements of Regulation 25 shall also be complied with.”.

CHAPTER X—SHIPBORNE NAVIGATIONAL EQUIPMENT

68. In Regulation 3, for paragraph (7) substitute—
 “(7)(a) In vessels of less than 35 metres in length where radar is fitted, the installation shall be such as to satisfy the Secretary of State that it is suitable for its purpose.
 (b) Notwithstanding the provisions of paragraph (a), vessels of less than 35 metres in length operating in the Northern Region shall be fitted with a radar installation which the Secretary of State is satisfied is suitable for its purpose. This radar installation shall be capable of operating in the 9Ghz band.”.
69. In Regulation 5, at the end of paragraph (3) insert—
 “(4) In addition to the provisions of paragraphs (1) to (3), every vessel shall, when operating in waters where drift ice may occur, be fitted with at least one searchlight with a lighting capacity of at least 1 lux, measured at a distance of 750 metres.”.

PART II

Other modifications

CHAPTER I—GENERAL PROVISIONS

1. In Regulation 6(1)(b)(iii), for “Chapters VII, IX and X” substitute “Chapters VII and X and in the Radio Regulations”.

CHAPTER IV—MACHINERY AND ELECTRICAL INSTALLATIONS AND PERIODICALLY UNATTENDED MACHINERY SPACES

2. In Regulation 17(2), for sub-paragraph (a) substitute—
 “(a) the VHF radio installation required by regulation 10(a) and (b) of the Radio Regulations, and if applicable:

- (i) the MF radio installation required by regulation 12(1)(a) and (b) and regulation 13(1) paragraphs (b) and (c) of ALTERNATIVE A of the Radio Regulations;
- (ii) the ship earth station required by regulation 13(1) paragraph (a) of ALTERNATIVE A of the Radio Regulations; and
- (iii) the MF/HF radio installation required by regulation 13(1) paragraphs (a) and (b) of ALTERNATIVE B and regulation 14 of the Radio Regulations;”.

CHAPTER VII—LIFE-SAVING APPLIANCES AND ARRANGEMENTS

3. In the footnote reference “**” to Regulation 14(1), for “Regulation IX/6(1)(c)” substitute “regulation 10(c) of the Radio Regulations”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (“the 2003 Regulations”) give effect to Commission Directive 2002/35/EC amending Council Directive 97/70/EC, which set up a harmonised safety regime for fishing vessels of 24 metres in length and over.

Directive 97/70/EC established a harmonised safety regime for these fishing vessels, by applying to them the 1993 Torremolinos Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels 1995. The purpose of the Commission Directive is to ensure consistency in the application of the provisions of the Torremolinos Protocol by harmonising the interpretation of those provisions. The Commission Directive applies only in relation to fishing vessels constructed on or after 1st January 2003.

The 2003 Regulations amend the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999. The main changes are set out in the Chapters referred to in the Schedule to the 2003 Regulations and are as follows.

In relation to fishing vessels constructed on or after 1st January 2003, various standards which were previously left to the discretion of the Administration of the relevant Member State must now instead be in accordance with the rules of a recognised organisation. These include standards relating to hull construction, watertight bulkheads and doors, anchor equipment (Chapter II), and the design, construction, testing, installation and servicing of machinery and electrical installations (Chapter IV).

Chapter III contains provisions aligning the standards on minimum bow height with those in the International Convention on Load Lines 1966, and for aligning general stability criteria with those in the IMO Code on Intact Stability for All Types of Ships.

Chapter V has provisions for alignment of standards relating to fire protection, fire detection, fire extinction and fire fighting, with those in the IMO Fire Test Procedures Code; and Chapter VII contains new provisions relating to life saving appliances.

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 80 329100).

Merchant Shipping Notices referred to in these Regulations are published 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). They may also be accessed via the MCA’s website <http://www.mcga.gov.uk>

Copies of the IMO Codes and of other IMO documents referred to in these Regulations can be obtained from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR (telephone 020 7735 7611).

Copies of ISO standards referred to in these Regulations, and of the document referred to in paragraph 36 of the Schedule, may be obtained from BSI Standards, 389 Chiswick High Road, London W4 4AL, or via the following websites: www.bsonline.techindex.co.uk, www.iso.ch, or www.tso.co.uk

£3.00

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E0527 4/2003 130527 19585

ISBN 0-11-045760-9



9 780110 457604