

EXPLANATORY MEMORANDUM FOR THE HOUSE OF LORDS SELECT
COMMITTEE ON THE MERITS OF STATUTORY INSTRUMENTS

Title

- 1.1. These Regulations are called The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004. No.1713
- 1.2. This explanatory memorandum is laid before Parliament by command of Her Majesty.
- 1.3. The Department for Transport is the responsible department.

Powers

2. This instrument is made under sections 85 and 86 of the Merchant Shipping Act 1995 and section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

Wider legislative context

3. These regulations transpose Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 which extended Directive 93/104/EC of 23 November 1993 on the organisation of working time to a number of hitherto excluded sectors, including sea-fishing. A transposition note is attached.

Policy background

4. Sea fishing is by far the most dangerous industry in Britain and fatigue has been identified as a contributory factor in many accidents. The Regulations will provide employed fishermen with a measure of protection against fatigue and the resulting increased risk of accidents and ill health.
5. Consultations on the implementation of the Directive have taken place under the auspices of the Fishing Industry Safety Group, the principal body for Government/industry discussions on safety. Fishermen are concerned about fatigue but have expressed the worry that controls on working time will place additional economic and regulatory burdens on them at a time when the industry is already under pressure. The Regulations themselves include as much flexibility as possible consistent with providing protection against fatigue and meeting the requirements of the Directive.

Regulatory impacts

6. The Regulations are unlikely to lead to significant extra costs for the industry. A Regulatory Impact assessment has been carried out and a copy is attached.

Financial Impact

7. No additional costs to the public or to the Exchequer have been identified.

Extent

8. Maritime safety is a reserved matter. The Regulations will apply to the United Kingdom as a whole.

Compatibility with Convention Rights

9. In my view the provisions of this instrument are compatible with the Convention Rights as defined in section 1 of the Human Rights Act 1998.

Further Information

10. If further information is required please contact Chris Shoreman, Shipping Policy Division, Department for Transport (Tel: 0207 944 4779/fax: 0207 944 2180/e-mail: chris.shoreman@dft.gsi.gov.uk).

5th July 2004