
STATUTORY INSTRUMENTS

2018 No. 1106

The Merchant Shipping (Work in Fishing Convention) Regulations 2018

PART 8

Inspection of fishing vessels

[^{F1}Supplementary provisions as respects detention of fishing vessels

28B.—(1) The power under regulation 28A to detain a fishing vessel may be exercised as regards a United Kingdom fishing vessel wherever it may be, but as regards a fishing vessel which is not a United Kingdom fishing vessel may only be exercised if the fishing vessel in question is—

- (a) in a port or shipyard in the United Kingdom; or
- (b) at an offshore terminal in United Kingdom waters.

(2) A person having powers to detain a fishing vessel may permit a fishing vessel which is liable to be detained under regulation 28A to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) Section 284 of the Act (enforcing detention of a ship) applies where a fishing vessel is liable to be detained under regulation 28A as if—

- (a) references to the owner of a ship were to the fishing vessel owner under these Regulations;
- (b) references to detention of a ship under the Act were references to detention of the fishing vessel under these Regulations; and
- (c) subsection (7) were omitted.

(4) Where a fishing vessel is liable to be detained under regulation 28A, the person detaining the fishing vessel must serve on the skipper of the fishing vessel a detention notice which—

- (a) states the grounds of detention; and
- (b) requires the terms of the notice to be complied with until the fishing vessel is released by any person mentioned in section 284(1) of the Act.

(5) Where a fishing vessel other than a United Kingdom fishing vessel is detained under regulation 28A, the Secretary of State must as soon as reasonably practicable inform in writing, including a copy of the detention notice, the consul or diplomatic representative of the State whose flag the fishing vessel is entitled to fly or the appropriate maritime authorities of that State, and invite them to send a representative to attend the fishing vessel.]

F1 Regs. 28A, 28B inserted (26.12.2020) by [The Merchant Shipping \(Maritime Labour Convention and Work in Fishing Convention\) \(Amendment\) Regulations 2020 \(S.I. 2020/1166\)](#), regs. 1, 3(3)

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Work in Fishing Convention) Regulations 2018, Section 28B.