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STATUTORY INSTRUMENTS

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**2018 No. 1107**

**The Merchant Shipping (Work in Fishing Convention)  
(Survey and Certification) Regulations 2018.**

**Detention of United Kingdom fishing vessels**

**11.—(1)** Where a relevant inspector or proper officer has clear grounds for believing that—

- (a) a United Kingdom fishing vessel does not comply with these Regulations; and
- (b) either—
  - (i) the conditions onboard the fishing vessel are clearly hazardous to the safety, health or security of fishermen; or
  - (ii) the non-compliance represents a serious breach or the latest in a series of repeated breaches of these Regulations or Work in Fishing Convention standards,

that fishing vessel is liable to be detained.

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

(3) Section 284<sup>M1</sup> of the Act (enforcing detention of ship) applies where a fishing vessel is liable to be detained under this regulation as if—

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

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

- (a) states the grounds for the 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 is detained under paragraph (1) but the failure to comply referred to in that paragraph has ceased, a person having power to detain the fishing vessel must, at the request of the fishing vessel owner or master, immediately release the fishing vessel—

- (a) if no proceedings for an offence under these Regulations are instituted within the period of seven days beginning with the day on which the fishing vessel is detained;
- (b) if proceedings for an offence under these Regulations, having been instituted within that period, are concluded without the fishing vessel owner or skipper being convicted;
- (c) if either—
  - (i) the sum of £30,000, is paid to the Secretary of State by way of security; or
  - (ii) security which, in the opinion of the Secretary of State, is satisfactory and is for an amount not less than £30,000, is given to the Secretary of State by or on behalf of the fishing vessel owner or skipper,

- (d) where the fishing vessel owner or skipper is convicted of an offence under these Regulations, if any costs or expenses ordered to be paid by that person and any fine imposed on that person have been paid; or
  - (e) if the release is ordered by a court or tribunal referred to in article 292 of the United Nations Convention on the Law of the Sea <sup>M2</sup>, and any bond or other financial security ordered by such court or tribunal is posted.
- (6) The Secretary of State must repay any sum paid in pursuance of paragraph (5)(c) or release any security so given—
- (a) if no proceedings for an offence under these Regulations are instituted within the period of seven days beginning with the day on which the sum is paid or the security is given; or
  - (b) if proceedings for such an offence, having been instituted within that period, are concluded without the fishing vessel owner or skipper being convicted.
- (7) Where a sum has been paid, or security has been given, by any person in pursuance of paragraph (5)(c) and the fishing vessel owner or skipper is convicted of an offence under these Regulations, the sum so paid or the amount made available under the security must be applied as follows—
- (a) first in payment of any costs or expenses ordered by the court to be paid by the fishing vessel owner or skipper; and
  - (b) next in payment of any fine imposed by the court,
- and any balance must be repaid to the person who made the payment or gave the security.
- (8) Section 145 of the Act (interpretation of section 144) applies for the purposes of paragraphs (5) to (7) as if—
- (a) references to the owner of a ship were to the fishing vessel owner; and
  - (b) references to an offence under section 131 were references to an offence under these Regulations.

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**Marginal Citations**

- M1** [Section 284](#) was amended by the Merchant Shipping and Maritime Security Act 1997, section 9 and Schedule 1.
- M2** Cm 8941.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018., Section 11.