
STATUTORY INSTRUMENTS

2018 No. 1107

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

Detention of non-United Kingdom fishing vessels

14.—(1) Where a relevant inspector inspects a fishing vessel under regulation 14 and has clear grounds for believing that—

- (a) the fishing vessel does not comply with the requirements of the Work in Fishing Convention; and
- (b) either—
 - (i) the conditions on board 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 the requirements of the Work in Fishing Convention,

the vessel is liable to be detained.

(2) A person having powers to detain a ship 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) The power under this regulation to detain a 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 or controlled waters.

(4) Where a fishing vessel is liable to be detained under this regulation, section 284 of the Act has effect in relation to that fishing vessel 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 the fishing vessel in question under this regulation; and
- (c) subsection (7) were omitted.

(5) Where a fishing vessel is detained under this regulation, the Secretary of State must immediately inform 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.

(6) Where a fishing vessel is detained under this regulation but the failure to comply referred to in paragraph (1) has ceased, a person having power to detain the ship must, at the request of the fishing vessel owner or skipper, immediately release the ship.

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 14.