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STATUTORY INSTRUMENTS

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**2020 No. 1166**

**The Merchant Shipping (Maritime Labour Convention and Work in Fishing Convention) (Amendment) Regulations 2020**

**Amendment of the Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018**

4.—(1) The Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018(1) are amended as follows.

- (2) In regulation 2(1) (interpretation), after the definition of “Convention State”, insert—  
““exempt fishing vessel” means a fishing vessel to which regulation 5 does not apply (see regulation 3(3) (application));”.
- (3) In regulation 4 (survey of fishing vessels)—
- (a) after paragraph (1), insert—  
“(1A) Paragraph (1) does not apply to an exempt fishing vessel.”;
- (b) in paragraph (2)—
- (i) after “renewal survey” insert “under paragraph (1)(b)”; and
- (ii) for “initial”, in both places it appears, substitute “previous”; and
- (c) in paragraph (3)—
- (i) for “A fishing vessel which does not fall within paragraph (2)” substitute “An exempt fishing vessel”; and
- (ii) after “survey” insert “, other than a survey described in paragraph (1),”.
- (4) In regulation 9 (offences and penalties)—
- (a) in paragraph (1), after “vessel” insert “, which is not an exempt fishing vessel.”;
- (b) after paragraph (3) insert—  
“(3A) If a United Kingdom fishing vessel which is an exempt fishing vessel is not made available for a survey in accordance with Merchant Shipping Notice 1885 (F), the fishing vessel owner and the skipper of the fishing vessel are guilty of an offence and are liable—
- (a) on summary conviction—
- (i) in England and Wales, to a fine;
- (ii) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.”.