STATUTORY INSTRUMENTS

1980 No. 1227

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (United Kingdom Fishing Vessels: Manning) Regulations 1980

Made - - - -	*13th August* 1980
Laid before Parliament	*21st August* 1980
Coming into Operation	*15th September* 1980

The Secretary of State, after consultation with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(**a**) ("the 1979 Act") in exercise of the powers conferred on him by subsections (1)(*a*), (3)(*e*) and (*p*), (5) and (6)(*b*) of section 21 and section 22(3)(*a*) of the 1979 Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (United Kingdom Fishing Vessels: Manning) Regulations 1980 and shall come into operation on 15th September 1980.

2. In these Regulations—

"the 1894 Act" means the Merchant Shipping Act 1894(**b**);

"fishing vessel" means a vessel which is for the time being employed in sea fishing, but does not include a vessel used otherwise than for profit;

"length" in relation to a vessel, means the length shown on the vessel's certificate of registry;

"limited area" means the area bounded by a line from a point on the Norwegian coast in latitude 61°N due west to a point 61°N 12°W; thence south to a point 48°30′N 12°W; thence due east to a point on the French coast in latitude 48°30′N;

"second hand" means, with respect to a fishing vessel, the mate or person next to the skipper in authority or command on board the vessel;

"United Kingdom fishing vessel" means a fishing vessel which is a United Kingdom ship as defined in section 21(2) of the 1979 Act.

3.—(1) Section 413 of the 1894 Act is hereby repealed to the extent only that it relates to United Kingdom fishing vessels.

(**a**) 1979 c. 39. (**b**) 1894 c. 60.

(2) The Merchant Shipping (Fishing Boats) Order 1948(**a**) and the Merchant Shipping (Fishing Boats) (Amendment) Order 1976(**b**) are hereby revoked to the extent only that they relate to United Kingdom fishing vessels.

4.—(1) Subject to paragraph (2), a United Kingdom fishing vessel shall not go to sea unless carrying a duly certificated skipper and a duly certificated second hand.

(2) Paragraph (1) of this regulation shall not apply in the case of a fishing vessel which does not proceed beyond the limited area and—

(*a*) is less than 16·5 metres registered length; or

(*b*) is less than 30 metres registered length when carrying as skipper either—

(i) a duly certificated skipper; or

(ii) a duly certificated second hand whose certificate has been endorsed to certify that he is competent to act as skipper of a fishing vessel:

Provided that, in the case of either sub-paragraph (i) or (ii), if the fishing vessel is 50 tons gross tonnage or more measured in accordance with the provisions of Part IV of the 1894 Act, it is also carrying a duly certificated second hand in addition to the duly certificated skipper or the person mentioned in sub-paragraph (ii) above.

(3) If a United Kingdom fishing vessel goes to sea contrary to paragraph (1) of this regulation, the owner shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(4) If any person, except in case of necessity—

(*a*) having been engaged to serve as skipper or second hand of a United Kingdom fishing vessel which is required by these Regulations to carry such a duly certificated person, serves as skipper or second hand of that vessel without being duly certificated; or

(*b*) employs any person as skipper or second hand of such a vessel without ascertaining that he is duly certificated,

that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(5) A skipper or second hand shall not be duly certificated for the purposes of this regulation unless he holds a certificate under Part IV of the 1894 Act appropriate to his station in the vessel or to a higher station.

(6) Where the skipper of a United Kingdom fishing vessel required by these Regulations to carry a duly certificated skipper is absent from his vessel, a superintendent may, at the request of the owner of the vessel, and on being satisfied that the absence is due to an unavoidable cause, authorise the second hand of the vessel to act, for a period not exceeding three months, as the skipper of the vessel during the skipper's absence, and the second hand when acting under that authority shall, for the purposes of this regulation, be deemed to be a duly certificated skipper.

5. Sections 414 (granting of certificate of competency) and 416 (register of certificated skippers and second hands) of the 1894 Act shall apply in relation to all United Kingdom fishing vessels which are required by these Regulations to carry a duly certificated person, provided that any certificate granted under

(**a**) S.I. 1948/366. (**b**) S.I. 1976/455.

the said section 414 shall have effect as if any reference therein to "50 tons tonnage" were construed as a reference to 30 metres registered length.

6. The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Norman Tebbit,
Parliamentary Under-Secretary of State,
13th August 1980. Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the manning of United Kingdom fishing vessels. They supersede the provisions of section 413 of the Merchant Shipping Act 1894 and the Merchant Shipping (Fishing Boats) Order 1948, as amended, which cease to have effect in relation to such vessels but continue to apply to fishing vessels which are not United Kingdom fishing vessels when sailing from any port in the United Kingdom. The main change in the manning provisions is in the description of the fishing vessels to which specific sections of the 1894 Act apply (requirements as to certificated skippers and second hands, granting of certificates of competency and registers of certificated skippers and second hands); formerly the vessels were described by reference to their gross tonnage but they are now described by reference to their length in metres.

Under these Regulations—

(*a*) All United Kingdom fishing vessels proceeding beyond the limited area defined in Regulation 2 are required to carry a certificated skipper and a certificated second hand. (Formerly this requirement did not apply to vessels of less than 25 tons gross tonnage.)

(*b*) As regards United Kingdom fishing vessels which do not proceed beyond the limited area—

(i) those with a registered length of less than 16·5 metres are exempt from this requirement (even if of 25 tons gross tonnage or more);

(ii) those with a registered length of 16·5 metres or more but less than 30 metres (even if of less than 25 tons gross tonnage) are required to carry a certificated skipper or a certificated second hand (special), and must, if of 50 tons gross tonnage or more, carry a certificated second hand as well;

(iii) those with a registered length of 30 metres or more (whatever their tonnage) must carry a certificated skipper and a certificated second hand.

These requirements apply to United Kingdom fishing vessels going to sea from any port, whether in or outside the United Kingdom.

Provision is made for a superintendent to authorise the second hand to act as skipper of a vessel during the skipper's absence for a period not exceeding three months (formerly one month).

The provisions of sections 414 and 416 of the 1894 Act, which relate to the granting of certificates of competency and registers of certificated skippers and second hands, are applied in relation to all United Kingdom fishing vessels which are subject to the manning requirements of these Regulations. Certificates granted under section 414 are to have effect as if any reference to "50 tons tonnage" were a reference to 30 metres registered length.

The Secretary of State may grant exemptions from the provisions of the Regulations for classes of cases or individual cases and subject to giving reasonable notice, may alter or cancel any such exemption.

A maximumn penalty of £1,000 on summary conviction is prescribed for offences under these Regulations. (A similar penalty for offences under s. 413(2) and (3) of the 1894 Act was laid down by section 43 of the Merchant Shipping Act 1979).

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