

## SCHEDULES

### SCHEDULE 2

Section 95.

#### FISHING VESSELS

#### PART I

##### ADDITIONAL PROVISIONS

###### *Regulations relating to crew agreements*

- 1 (1) The Board of Trade may make regulations prescribing the procedure to be followed in connection with the making of crew agreements between persons employed in fishing vessels and persons employing them and prescribing the places where such crew agreements are to be made or where an agreement with any person may be added to those contained in such a crew agreement.
- (2) Regulations under this paragraph may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding £50 or such less amount as may be specified in the regulations.

###### *Offences*

- 2 (1) For the purpose of maintaining discipline on board fishing vessels and ensuring the safe and efficient operation of such vessels the Board of Trade may by regulations specify any misconduct on board of or in relation to a fishing vessel which, but for section 95(1)(a) of this Act, would be an offence under section 29, 30 or 31 thereof, and provide for its being an offence punishable on summary conviction with a fine not exceeding £100 or such less amount as may be specified in the regulations.
- (2) Regulations under this paragraph may apply section 32 of this Act with such modifications as may be required to substitute in it for the reference to section 29, 30(b) and 30(c) of this Act a reference to the corresponding provisions of the regulations.
- (3) Regulations under this paragraph may make different provision for different descriptions of fishing vessel or fishing vessels of the same description in different circumstances.
- (4) No regulations shall be made under this paragraph unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

###### *Production of certificates and other documents of qualification*

- 3 Any person serving or engaged to serve in a fishing vessel and holding any certificate or other document which is evidence that he is qualified for the purposes of section 43 of this Act shall on demand produce it to any person who is a British

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sea-fishery officer for the purposes of the Sea Fisheries Acts (within the meaning of the Sea Fisheries Act 1968); and if he fails to do so without reasonable cause he shall be liable on summary conviction to a fine not exceeding £20.

#### *Hours of work*

- 4 (1) The Board of Trade may make regulations prescribing maximum periods of duty and minimum periods of rest for seamen employed in fishing vessels, and such regulations may make different provision for different descriptions of fishing vessels or seamen employed in them or for fishing vessels and seamen of the same description in different circumstances.
- (2) If any provision of regulations made under this paragraph is contravened in the case of any seaman employed in a fishing vessel the persons employing him and the master shall each be liable on summary conviction to a fine not exceeding £100.

#### *Reports of and inquiries into injuries*

- 5 (1) Where the master or a member of the crew of a fishing vessel is injured during a voyage, an inquiry into the cause and nature of the injury may be held by a superintendent or proper officer.
- (2) The superintendent or proper officer holding an inquiry under this section shall for the purposes of the inquiry have the powers conferred on an inspector by section 729 of the Merchant Shipping Act 1894 and shall make a report of his findings to the Board of Trade.

## **PART II**

### SECTIONS 7 AND 8 SET OUT AS THEY APPLY TO FISHING VESSELS AND PERSONS EMPLOYED IN THEM

- 7 Except as provided by or under this Act or any other enactment, the wages due to a seaman under a crew agreement relating to a fishing vessel shall be paid to him in full.
- 8 (1) Subject to regulations made under section 9 or 62 of this Act, the persons employing any seaman under a crew agreement relating to a fishing vessel shall deliver to him at a time prescribed by regulations under this section an account of the wages due to him under that crew agreement and of the deductions subject to which the wages are payable.
- (2) Where the wages of any person employed in a fishing vessel are in any manner related to the catch the persons employing him shall at a time prescribed by regulations under this section deliver to the master an account (or, if the master is the person employing him, make out an account) showing how those wages (or any part thereof related to the catch) are arrived at and shall make the account available to the crew in such manner as may be prescribed by the regulations.
- (3) Where there is a partnership between the master and any members of the crew of a fishing vessel the owner of the vessel shall at a time prescribed by regulations under this section make out an account showing the sums due to each partner in respect of his share and shall make the account available to the partners.

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- (4) The Board of Trade may make regulations prescribing the time at which any account required by this section is to be delivered or made out and the manner in which the account required by subsection (2) or (3) of this section is to be made available.
- (5) If a person fails without reasonable cause to comply with the preceding provisions of this section he shall be liable on summary conviction to a fine not exceeding £20.