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STATUTORY INSTRUMENTS

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**1981 No. 570**

**MERCHANT SHIPPING**

**The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981**

<i>Made</i>	- - - -	<i>8th April 1981</i>
<i>Laid before Parliament</i>		<i>10th April 1981</i>
<i>Coming into Operation</i>		<i>1st May 1981</i>

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970, in exercise of powers conferred by section 68 of that Act<sup>(1)</sup> and now vested in him<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

*Citation, commencement, interpretation and revocation*

1.—(1) These Regulations may be cited as the Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981 and shall come into operation on 1st May 1981.

(2) In these Regulations:

“the Act of 1894” means the Merchant Shipping Act 1894;

“the Act of 1949” means the Merchant Shipping (Safety Convention) Act 1949;

“the Act of 1970” means the Merchant Shipping Act 1970;

“appropriate superintendent or proper officer” means a superintendent or proper officer for the place where the fishing vessel is at the time referred to in regulation 10(1) (delivery of official log books);

“the Crew Accommodation Regulations” means the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975;

“entry” means an entry in an official log book (including any entry contained in a separate document annexed to an official log book in accordance with regulation 6) of any particulars specified in any paragraph of column 1 in the Schedule to these Regulations and an entry amending or cancelling such an entry;

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(1) Section 68(5) was amended by the Merchant Shipping Act 1979 (c. 39), section 43(1) and Schedule 6, Part VI, paragraph 4.  
(2) See S.I. 1970/1537.

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“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” means the length of a fishing vessel entered in its certificate of registry;

“the Musters Regulations” means the requirements as to musters and drills prescribed in Part IIIC of the Fishing Vessels (Safety Provisions) Rules 1975(3);

“the Pilot Ladders and Hoists Regulations” means the Merchant Shipping (Pilot Ladders and Hoists) Regulations 1980(4);

“the Property Regulations” means the Merchant Shipping (Property of Deceased Seamen) Regulations 1972;

“the Repatriation Regulations” means the Merchant Shipping (Repatriation) Regulations 1979;

“seaman” in paragraphs 16, 17 and 31 of the Schedule includes the skipper of a fishing vessel;

“the Steering Gear Regulations” means the Merchant Shipping (Automatic Pilot and Testing of Steering Gear) Regulations 1981;

“wages submission” means a submission to a superintendent or proper officer under section 10 of the Act of 1970 (which relates to disputes about wages).

(3) The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1972 and the Merchant Shipping (Official Log Books) (Fishing Vessels) (Amendment) Regulations 1977 are hereby revoked.

*Exemptions from the requirements of section 68 of the Merchant Shipping Act 1970 (Official log books)*

2. The requirement imposed by section 68 of the Act of 1970 that an official log book shall be kept in every ship registered in the United Kingdom shall not apply to a fishing vessel of a length less than 55 feet.

*Entries in official log books*

3. Subject to the provisions of the Merchant Shipping Acts and of rules and regulations made thereunder, entries of particulars specified in column 1 in each paragraph of the Schedule to these Regulations shall from time to time be made in the official log book kept in every fishing vessel not exempted from the requirement of section 68 of the Act of 1970 by regulation 2.

*Making, signing and witnessing of entries*

4.—(1) Each entry shall be made in the official log book by the person or by one of the persons (or by a person authorised by any such person for that purpose) specified in column 2 in each paragraph of the Schedule to these Regulations.

(2) Each entry;

(a) subject to paragraph (3) of this regulation, shall be signed by the person or by one of the persons specified in column 2 in each paragraph of the Schedule; and

(b) subject to the provisions of each paragraph of the Schedule, shall be witnessed by the person, if any, specified in column 3 in each paragraph of the Schedule.

(3) An entry which is to be signed by the skipper may, except where the contrary intention appears, be signed by an officer authorised by the skipper for that purpose.

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(3) S.I. 1975/330, to which there are amendments not relevant to these Regulations.

(4) Amended by S.I. 1981/581.

(4) Each entry shall include the date when it is made.

5. If an entry, which is to be signed or witnessed by the skipper or a person who is a member of the crew, is not made, signed and witnessed in accordance with the provisions of these Regulations and of the Schedule hereto, the skipper of the fishing vessel at the time when the entry is or should have been made, signed and witnessed shall be guilty of an offence.

*Annexes to official log books*

6. If it is not practicable by reason of its length, the circumstances in which it is to be made or for any other reason for an entry to be contained in the official log book, it shall be contained in a separate document annexed to the official log book, and referred to in an entry in the official log book; and references in these Regulations to an official log book include references to any documents annexed to an official log book in accordance with this regulation.

*Time for making of entries*

- (a) 7. (1) (a) Entries of particulars specified in paragraphs 1, 2, 3 and 5 of the Schedule to these Regulations shall be made at the time when an official log book is opened and a further entry of particulars specified in paragraph 3 shall be made as soon as practicable after any change of skipper.
- (b) The entry of particulars specified in paragraphs 7 and 21 of the Schedule shall be made as soon as practicable after the commencement of each voyage.
- (c) The entry of particulars specified in paragraph 9 of the Schedule shall be made as soon as practicable after every time when each muster should have been held in accordance with the Musters Regulations.
- (d) The entries of particulars specified in sub-paragraphs (b) and (c) of paragraph 32 of the Schedule shall be made daily or at such other times during the continuance of the illness or injury as the person making any such entry thinks fit.
- (e) Every other entry shall be made as soon as practicable after the occurrence to which it relates or, if it amends or cancels an existing entry, as soon as practicable after the person intending to sign it becomes aware of the facts giving rise to the amendment or cancellation.

(2) Subject to the provisions of regulation 8, no entry shall be made in an official log book after the time referred to in regulation 10(1).

*Amendment and cancellation of entries*

8.—(1) Subject to the provisions of this regulation, an entry shall not be amended or cancelled.

(2) Where—

- (a) in the case of an entry which was required to be signed by the skipper, it appears to the person who for the time being is skipper of the fishing vessel that the entry is inaccurate or incomplete; or
- (b) in the case of any other entry, it appears to the person who signed the entry that it is inaccurate or incomplete;

that person shall, if it is practicable to do so before the time referred to in regulation 10(1), make and sign a further entry referring to the entry and amending or cancelling it; and paragraphs (1) and (2)(b) of regulation 4 and regulations 5 and 6 shall apply to the further entry.

(3) Where, after the time referred to in regulation 10(1), it appears to a superintendent or proper officer or to the Registrar General of Shipping and Seamen that any entry is inaccurate or incomplete he—

- (a) may make and sign a further entry referring to the entry and amending or cancelling it; and
- (b) shall, if it is practicable to do so, inform any skipper or seaman, to whom any such further entry relates, of its contents.

(4) Any person who fails to comply with paragraph (2) of this regulation shall be guilty of an offence.

#### *Production of official log book*

**9.**—(1) The skipper of a fishing vessel shall, on demand, produce to the Registrar General of Shipping and Seamen, a superintendent, a proper officer or an officer of customs the official log book required to be kept in the fishing vessel.

(2) A skipper who fails to comply with this regulation shall be guilty of an offence.

#### *Delivery of official log book*

**10.**—(1) The skipper shall, within 48 hours after the time specified in paragraph (2) or in paragraph (3) (as the case may be) of this regulation or, if it is not practicable within that time, as soon as practicable thereafter, deliver the official log book to the appropriate superintendent or proper officer.

(2) Subject to paragraph (3) of this regulation, the time referred to in paragraph (1) is either—

- (a) if any person is employed in the fishing vessel under a crew agreement, the time when the last person remaining so employed is discharged from the fishing vessel; or
- (b) in any other case, the time when the fishing vessel first calls at a port more than 6 months after the first entry (other than an entry specified in paragraph 1, 2, 3 or 5 of the Schedule to these Regulations) is made in the official log book.

(3) If, at the time specified in paragraph (2) of this regulation, there is pending a wages submission, the time referred to in paragraph (1) of this regulation is either the time when all such submissions have been determined by a superintendent or proper officer or withdrawn, or the expiration of 7 days after the time specified in paragraph (2) of this regulation, whichever shall be the earlier.

(4) A skipper who fails to comply with paragraph (1) of this regulation shall be guilty of an offence.

#### *Offences*

**11.** Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding £50.

8th April 1981

*Trefgarne*  
Parliamentary Under Secretary of State  
Department of Trade

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## THE SCHEDULE

### ENTRIES REQUIRED TO BE MADE IN THE OFFICIAL LOG BOOKS KEPT IN FISHING VESSELS REGISTERED IN THE UNITED KINGDOM NOT EXEMPTED FROM THE REQUIREMENTS OF SECTION 68 OF THE MERCHANT SHIPPING ACT 1970 BY REGULATION 2

<i>Column 1</i> <i>Particulars of entry</i>	<i>Column 2</i> <i>Signatory</i>	<i>Column 3</i> <i>Witness</i>
1 The name of the fishing vessel, its port of registry, official letters and number and its length.	The skipper	None
2 The name and address of the registered owner or of the registered managing owner or of the vessel's husband or manager.	The skipper	None
3 The name of the skipper and the number of his certificate of competency.	The skipper	None
4 Where a person ceases to be skipper of the fishing vessel during a voyage—  a record that in accordance with section 74 of the Act of 1970, he has delivered to his successor the documents relating to the fishing vessel or its crew which are in his custody.	The skipper in person and the former skipper in person	None
5 The date on and place at which the official log book is opened.	The skipper	None
6 The date on and place at which the official log book is closed.	The skipper	None
7 A record of each occasion on which, in accordance with Rules 120 and 121 of the Fishing Vessels (Safety Provisions) Rules 1975, a muster, drill, training of the crew in the use of Life-saving and fire appliances and equipment, is held on board the vessel or on which the appliances and equipment required by those Rules to be carried are examined to see whether they are fit and ready for use.	The skipper	A member of the crew
8 Where a muster, drill, training or inspection is not held on board the fishing vessel when required by the Fishing Vessels (Safety Provisions) Rules 1975— a record of why the muster, drill, training or inspection, as the case may be, was not carried out.	The skipper	A member of the crew
9 Where any of the following casualties has occurred—		

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<i>Column 1</i> <i>Particulars of entry</i>	<i>Column 2</i> <i>Signatory</i>	<i>Column 3</i> <i>Witness</i>
(a) the loss or presumed loss, stranding, grounding, abandonment of or damages to the fishing vessel; or		
(b) a loss of life caused by fire on board or by any accident to the fishing vessel or a ship's boat, or by any accident occurring on board the fishing vessel or a ship's boat; or		
(c) any damage caused by the fishing vessel—		
a description of the casualty and the place where, or the position of the fishing vessel when it occurred.	The skipper	A member of the crew
10 A record of every signal of distress or a message that a vessel, aircraft, or person is in distress at sea, observed or received.	The skipper	A member of the crew
11 Where the skipper, on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress (in accordance with section 22(1) of the Act of 1949 which relates to a master's obligation to assist vessels, etc., in distress)—		
a statement of his reasons for not going to the assistance of those persons.	The skipper in person	A member of the crew
12 Where a dispute relating to the amount payable to a seaman under a crew agreement is submitted to a superintendent or proper officer under section 10 of the Act of 1970—		
(a) a statement of the dispute;	The superintendent or proper officer	None
(b) the identity of the superintendent or proper officer;		
(c) a statement whether he accepts the submission; and		
(d) if he accepts the submission, either—		
(i) a record of his decision; or		

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(ii) a statement that he is of the opinion that the dispute ought not to be decided by him.		
13 A record of—	The person in whose presence the seaman is discharged or, (if the seaman is not present at the time he is discharged) the skipper	A member of the crew
(a) every seaman discharged from the fishing vessel; and		
(b) the place, date and time of his discharge.		
14 Where a proper officer consents to the discharge of a seaman outside the United Kingdom—		
a record of his consent.	The proper officer (if practicable) or the skipper in person	If the entry is signed by the skipper, a member of the crew
15 Where a seaman is left behind in any country outside the United Kingdom or is taken to such a country on being shipwrecked or a person who became employed in the fishing vessel under an agreement entered into outside the United Kingdom is left behind in the United Kingdom or is taken to the United Kingdom on being shipwrecked—		
a record of—	The skipper	A member of the crew
(a) the name of the seaman;		
(b) the date on which and the place at which the seaman was left behind;		
(c) the reason, if known to the skipper, for the seaman being left behind;		
(d) any provision made by the skipper on the seaman's employer's behalf to ensure that a superintendent or proper officer is informed that the seaman has been left behind and is given the information referred to in regulation 5(1) of the Repatriation Regulations identifying the superintendent or proper officer;		
(e) the seaman's employer being informed that the seaman has been left behind		

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and of the employer being given any particulars required by him.		
16 In respect of a seaman referred to in an entry made pursuant to paragraph 15 of this Schedule—		
a record of—	The skipper	A member of the crew
(a) whether he left any property (including money) on board the fishing vessel;		
(b) all such property of which the skipper has taken charge in pursuance of regulation 16(3)(a) of the Repatriation Regulations, specifying each item of such property;		
(c) each article forming part of such property sold in pursuance of regulation 16(4)(a) of the Repatriation Regulations, and the price received for it;		
(d) each article forming part of such property destroyed or disposed of in pursuance of regulation 16(4)(b) of the Repatriation Regulations and the name of the person to whom disposal was made; and		
(e) each article forming part of such property delivered to any person in pursuance of paragraph (5) or (6) of regulation 16 of the Repatriation Regulations specifying the person (whether the seaman, his employer or his next of kin) to whom delivery was made and the date, place and manner of delivery.		
17 A record of any inspection of crew accommodation carried out under regulation 35(2) of the Crew Accommodation Regulations showing—	The skipper	A member of the crew
(a) the time and date of the inspection;		
(b) the names and ranks of the persons making the inspection;		

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(c) particulars of any respects in which the crew accommodation or any part of it was found by any of the persons making the inspection not to comply with those Regulations.		
18 A record of any inspection of provisions and water to be supplied to seamen employed in the fishing vessel with the result of the inspection.	The person making the inspection	None
19 A record of any inspection by a person appointed by the Secretary of State of any anchors and chain cables (as defined in section 1(7) of the Anchors and Chain Cables Act 1967) on board the fishing vessel as part of its equipment and the findings of that person.	The person making the inspection	None
20 A record of any testing and inspection carried out by the ship's personnel of the rigging of the hoist and a load test to at least 150 kg, under regulation 8(6)(d) of the Pilot Ladders and Hoists Regulations.	The skipper	An officer
21 A record of any drill, check and test carried out by the ship's crew of the ship's steering gear, under regulation 6(6) of the Steering Gear regulations.	The skipper	An officer
22 Where three or more seamen employed in the fishing vessel complain to the skipper under section 22 of the Act of 1970 (which relates to complaints about provisions and water) about the provisions or water provided for the seamen employed in the fishing vessel—		
a record of—	The skipper (sub-paragraphs (a) to (e))	One of the seamen making the complaint
(a) the names of the seamen making the complaint;		
(b) the complaint, specifying—		
(i) the provisions or the water complained of; and		
(ii) the manner in which they are alleged not to be in accordance with regulations made under section 21 of the Act of 1970 <sup>(5)</sup> (whether because of bad		

(5) See S.I. 1972/1872, amended by S.I. 1975/733.

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<i>Column 1 Particulars of entry</i>	<i>Column 2 Signatory</i>	<i>Column 3 Witness</i>
quality, unfitness for use or deficiency in quantity);		
(c) action taken by the skipper on the complaint;		
(d) whether the seamen state to the skipper their dissatisfaction with the action taken by the skipper on the complaint and whether they claim to complain to a superintendent or proper officer;		
(e) if the seamen claim to complain to a superintendent or proper officer, the arrangements made by the skipper to enable the seamen to do so;		
(f) the investigation of the complaint by a superintendent or proper officer; and	The superintendent or proper officer investigating the complaint (sub-paragraph (f))	None
(g) every examination of provisions and water made under section 22(3) of the Act of 1970.	The person making the inspection (sub-paragraph (g))	None
23 Where a seaman employed in the fishing vessel complains to the skipper under section 23 of the Act of 1970 (which relates to complaints other than complaints about provisions and water) about the skipper or any other seaman employed in the fishing vessel or about the conditions on board the fishing vessel—		
a record of—		
(a) the name of the seaman making the complaint;	The skipper (sub-paragraphs (a) to (e))	The seaman making the complaint
(b) the complaint, specifying the person or matter complained of and the nature of the complaint;		
(c) action taken by the skipper on the complaint;		
(d) whether the seaman states his dissatisfaction with the action taken by the skipper on the complaint and whether,		



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of the conviction and the punishment inflicted.		
26 Where, in the opinion of the skipper, consideration should be given to the prosecution of any person in respect of any conduct on the fishing vessel during a voyage (whether under the Merchant Shipping Acts or otherwise)— a record—	The skipper	A member of the crew
(a) of the event;		
(b) of the name of the person concerned;		
(c) of any statement made by the person concerned to the skipper in respect of that event which that person wishes to be recorded; and		
(d) that the entries made in pursuance of subparagraphs (a) to (c) of this paragraph have been read over by the skipper to the person concerned.		
27 A record of any reduction in the scale of provisions or water to be provided for seamen employed in the fishing vessel specifying—	The skipper	A member of the crew
(a) the reduction made;		
(b) the reason for the reduction; and		
(c) the duration of the reduction.		
28 Where a child is born in the fishing vessel or in a ship's boat— a record of—	The skipper in person	The mother of the child
(a) (i) date of the birth;		
(ii) if the birth takes place at sea, the position of the fishing vessel by latitude and longitude at the time of the birth and, in any other case, the place of birth;		
(iii) name (if any) and surname of child; and		
(iv) sex of child;		

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<i>Particulars of entry</i>	<i>Signatory</i>	<i>Witness</i>
<p>(b) (i) name and surname of father;</p> <p>(ii) his usual residence;</p> <p>(iii) his nationality; and</p> <p>(iv) his occupation, rank or profession;</p> <p>provided that, if the child is illegitimate, no particulars of the father shall be entered except at the joint request of the mother and of the person acknowledging himself to be the father, given to the skipper in writing and signed by both the mother and that person;</p> <p>(c) (i) name and surname of mother;</p> <p>(ii) her maiden surname;</p> <p>(iii) her name at marriage, if different from maiden surname;</p> <p>(iv) her usual residence; and</p> <p>(v) her nationality; and</p> <p>(d) the making of a return of the birth, identifying the person to whom the return was made.</p> <p>29 Where any person dies in the fishing vessel or in a ship's boat or is lost from the fishing vessel or a ship's boat, or where any person employed in the fishing vessel dies outside the United Kingdom—</p> <p>a record of</p> <p>(a) the date of the death or loss;</p> <p>(b) (i) if the death takes place in the fishing vessel or in a ship's boat or if the deceased is lost from the fishing vessel or a ship's boat, the place of death or the position of the fishing vessel or of the ship's boat by latitude and longitude at the time of the death or loss (as the case may require);</p>	<p>The skipper in person</p>	<p>A member of the crew</p>

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<i>Particulars of entry</i>	<i>Signatory</i>	<i>Witness</i>
(ii) if the death or loss does not take place in or from the fishing vessel or in or from a ship's boat, the place of death;		
(c) name and surname of deceased;		
(d) sex of deceased;		
(e) date of birth (if known) or age;		
(f) if the deceased was a woman who has been married; her maiden surname (if known);		
(g) occupation, rank or profession of deceased;		
(h) usual residence of deceased at time of death or loss;		
(i) his nationality;		
(j) (i) cause of death or loss; and		
(ii) if death not due to natural causes, the circumstances of death or loss;		
(k) if the deceased was lost from the fishing vessel or a ship's boat, the steps taken to rescue him;		
(l) the making of a return of the death, identifying the person to whom the return was made; and		
(m) the notification of the death to the deceased's next of kin and the name and address of the next of kin.		
30 In respect of a seaman dying while or after being employed in the fishing vessel—		
a record of—	The skipper in person	A member of the crew
(a) whether he left any property (including money) on board the fishing vessel;		
(b) all such property of which the skipper has taken charge in pursuance of regulation 2(2)(a) of the Property		

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Regulations, specifying each item of such property;		
(c) each item forming part of such property sold in pursuance of regulation 2(3)(a) of the Property Regulations; and the price received for it;		
(d) each article forming part of such property destroyed or disposed of in pursuance of regulation 2(3)(b) of the Property Regulations, and the name of the person to whom disposal was made;		
(e) each article forming part of such property delivered to any person in pursuance of regulation 2(4) of the Property Regulations, specifying the superintendent or proper officer to whom delivery was made and the date, place and manner of delivery		
31 Where an inquiry into the cause of a death is required to be held under section 61 of the Act of 1970—		
a record—	The superintendent or proper officer holding the inquiry	None
(a) of the name of the deceased and a reference to the relevant entry made under paragraph 29 of this Schedule;	(sub-paragraphs (a) and (b)(i))	
(b) of either—		
(i) the name of the superintendent or proper officer holding the inquiry and the date and the place at which the inquiry is held; or		
(ii) that the inquiry was not held at the next port where the fishing vessel calls after the death and where there is a superintendent or proper officer.	The skipper (sub-paragraph (b)(ii))	None
32 Where a person employed in the fishing vessel falls ill or is injured—		
a record of—	The skipper	A member of the crew
(a) the circumstances of the injury and of the nature of the illness or injury or the symptoms thereof;		

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<i>Column 1 Particulars of entry</i>	<i>Column 2 Signatory</i>	<i>Column 3 Witness</i>
(b) the treatment adopted; and		
(c) the progress of the illness or injury.		
33 Where an inquiry is held under section 386 of the Act of 1894 into any occurrence—		
a record of—	The superintendent holding the inquiry	None
(a) the identity of the superintendent holding the inquiry;		
(b) the date on and the place at which the inquiry is held; and		
(c) a reference to any entry made under paragraph 10 or paragraph 32 of this Schedule relating to the occurrence.		

### EXPLANATORY NOTE

These Regulations revoke the Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1972, as amended, and re-enact those provisions with the following differences:

- (1) entries are required to be made in respect of the testing and inspection of the pilot's hoist;
- (2) entries are required to be made in respect of the drill, check and test of the ship's steering gear;
- (3) the requirements on the skipper to read over to an officer an entry relating to an officer's incompetence or serious negligence now includes a requirement to state the reason if the entry is not read over.