

1989 No. 126

MERCHANT SHIPPING

SAFETY

The Fishing Vessels (Safety Training) Regulations 1989

<i>Made</i> - - - -	<i>30th January 1989</i>
<i>Laid before Parliament</i>	<i>8th February 1989</i>
<i>Coming into force</i>	<i>1st March 1989</i>

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of the powers conferred by sections 21(1)(a) and (3) to (6) and 22(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fishing Vessels (Safety Training) Regulations 1989 and shall come into force on 1st March 1989.

(2) In these Regulations:-

“Approved Instructor” means an Instructor approved for the purpose of these Regulations by the Secretary of State;

“Approved Training Course” means in relation to any subject specified in regulation 2(1), a course held at an Approved Training Establishment, or elsewhere under the control of an Approved Instructor, covering the syllabus specified in Merchant Shipping Notice Number M1367 for that subject and any document amending or replacing it which is considered by the Secretary of State to be relevant from time to time and which is specified in a Merchant Shipping Notice;

“Approved Training Establishment” means an Establishment approved for the purpose of these Regulations by the Secretary of State;

“certificated deck officer” and “certificated engineer officer” mean officers who hold certificates of competency issued pursuant to the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984(b);

“new entrant” means a person who for the first time is gainfully employed or engaged as a crew member on a fishing vessel registered in the United Kingdom;

“serving fisherman” means a crew member on a fishing vessel registered in the United Kingdom who is not a new entrant.

(a) 1979 c.39; section 21(6) was amended by the Criminal Justice Act 1982 (c.48), section 49(3).

(b) S.I. 1984/1115.

(3) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date when it is to come into force, and the conditions (if any) on which it is given.

2.—(1) No person, other than a certificated deck officer or a certificated engineer officer or a serving fisherman born before the 1st March 1954, shall be employed or engaged on a fishing vessel registered in the United Kingdom after the relevant dates specified in paragraph (3) below unless he is the holder of a certificate or certificates issued by the Sea Fish Industry Authority certifying:—

(i) that he has undergone an Approved Training Course in each of the following subjects —

- (a) basic survival at sea,
- (b) basic fire-fighting and prevention, and
- (c) basic first aid,

or

(ii) if he is the holder of a certificate of competency as skipper or second hand issued pursuant to section 414 of the Merchant Shipping Act 1894(a), and was born on or after 1st March 1954, that he has undergone an Approved Training Course in basic survival at sea and basic fire fighting and prevention.

(2) Any such certificate issued by the Sea Fish Industry Authority shall be in such form as the Secretary of State shall direct.

(3) The dates by which Approved Training Courses referred to in paragraph (1) above must have been undertaken are specified in the Table below: —

	Category of Fishermen	Date by which training must be completed
(a)	New entrants	Before going to sea
(b)	Serving Fishermen born between 1st March 1969 and 28th February 1973 inclusive	1st March 1990
(c)	Serving Fishermen born between 1st March 1964 and 28th February 1969 inclusive	1st March 1991
(d)	Serving Fishermen born between 1st March 1959 and 29th February 1964 inclusive	1st March 1992
(e)	Serving Fishermen born between 1st March 1954 and 28th February 1959 inclusive	1st March 1993

3. If a person goes to sea on a fishing vessel registered in the United Kingdom in contravention of regulation 2 —

- (a) that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale or, if he is the skipper or an owner of the vessel, level 5 on the standard scale ; and
- (b) the skipper and each owner of the vessel (except in respect of a contravention of regulation 2 by himself) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale

(a) 1894 c.60.

Exemptions

4. The Secretary of State may grant, on such terms (if any) as he may specify, exemptions from any provision of these Regulations, and may alter or cancel any such exemption.

Signed by authority
of the Secretary of State
30th January 1989

Michael Portillo
Minister of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require every fisherman born on or after 1st March 1954 or employed or engaged on a fishing vessel registered in the United Kingdom (other than a certificated deck officer or certificated engineer officer) to undergo training in basic survival at sea, basic fire fighting and prevention and basic first aid at an establishment approved by the Secretary of State. Holders of Skipper and Second Hand certificates issued under section 414 of the Merchant Shipping Act 1894 (who will have received training in first aid), if they were born on or after 1st March 1954 will be required to undergo approved training courses in basic survival at sea and basic fire-fighting and prevention. For fishermen born on or after 1st March 1954 already employed on fishing vessels registered in the United Kingdom the date by which training must be completed varies according to the age-group of the fisherman. New entrants must complete the required training before going to sea.

The Regulations, which are made under sections 21 and 22 of the Merchant Shipping Act 1979, originated with section 7 of the Safety at Sea Act 1986.

Merchant Shipping Notices are obtainable from the Department of Transport Marine Library, Sunley House, 90 High Holborn, London WC1V 6LP and from any Department of Transport Marine Office.