
STATUTORY INSTRUMENTS

1998 No. 1916

MERCHANT SHIPPING

The Merchant Shipping (Tonnage) (Fishing Vessels) (Amendment) Regulations 1998

<i>Made</i>	- - - -	<i>4th August 1998</i>
<i>Laid before Parliament</i>		<i>12th August 1998</i>
<i>Coming into force</i>	- -	<i>4th September 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 19 of the Merchant Shipping Act 1995⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Tonnage) (Fishing Vessels) (Amendment) Regulations 1998 and shall come into force on 4th September 1998.

Amendment of the Merchant Shipping (Tonnage) Regulations 1997

2. The Merchant Shipping (Tonnage) Regulations 1997⁽²⁾ shall be amended as follows—

(1) in regulation 2(1) for the definition of “length overall” there shall be substituted—

““length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure” includes any portion of the hull which is capable of being detached, but which must be fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders.”.

(2) After regulation 12 the following new Part shall be inserted—

(1) 1995 c. 21.
(2) S.I.1997/1510.

“PART IIA

MEASUREMENT OF SMALLER FISHING VESSELS

12A.—(1) This Part applies to fishing vessels of 15 metres or more in length overall but less than 24 metres in length, registered or to be registered under Part II of the Act for which the ascertainment tonnage is required under Regulations made under section 10 of the Act, with effect—

- (a) for vessels first registered on or after 4th September 1998, from the date when such vessels are first registered; and
- (b) for vessels first registered before 4th September 1998, from the following dates:

<i>Description of vessels</i>	<i>Date of coming into effect</i>
26.25m length overall (LOA) and over	1 February 1999
25.94m LOA to under 26.25m	1 March 1999
24.70m LOA to under 25.94m	1 April 1999
24.20m LOA to under 24.70m	1 May 1999
23.25m LOA to under 24.20m	1 June 1999
22.86m LOA to under 23.25m	1 July 1999
22.41m LOA to under 22.86m	1 August 1999
21.48m LOA to under 22.41m	1 September 1999
20.95m LOA to under 21.48m	1 October 1999
20.32m LOA to under 20.95m	1 November 1999
19.80m LOA to under 20.32m	1 December 1999
19.10m LOA to under 19.80m	1 January 2000
18.49m LOA to under 19.10m	1 April 2000
18.25m LOA to under 18.49m	1 July 2000
18.04m LOA to under 18.25m	1 October 2000
17.80m LOA to under 18.04m	1 January 2001
17.36m LOA to under 17.80m	1 April 2001
17.11m LOA to under 17.36m	1 July 2001
16.98m LOA to under 17.11m	1 October 2001
16.82m LOA to under 16.98m	1 January 2002
16.65m LOA to under 16.82m	1 April 2002
16.50m LOA to under 16.65m	1 July 2002
16.34m LOA to under 16.50m	1 October 2002
16.15m LOA to under 16.34m	1 January 2003
15.94m LOA to under 16.15m	1 April 2003
15.47m LOA to under 15.94m	1 July 2003

<i>Description of vessels</i>	<i>Date of coming into effect</i>
15.19m LOA to under 15.47m	1 October 2003
15.00m LOA to under 15.19m	1 January 2004.

(2) In this Part:

“authorised measurer” means a measurer appointed by an organisation authorised for the purposes of this Part of these Regulations by the Secretary of State.

12B. A fishing vessel shall be measured by an authorised measurer.

12C. Regulation 4(2), (3) and (4) and regulations 5 and 6 shall apply for the measurement of tonnage of vessels to which this Part applies as they apply for the purposes of Part II.

12D. The authorised measurer shall, if it is in order to do so, issue a certificate in an approved form.

12E. Where alterations are made in the arrangement, construction, capacity, use of spaces, or permitted draught of the vessel such as would cause an increase in the tonnage, the existing measurement shall cease to be valid, any certificate shall be delivered up to and cancelled by the issuer and the owner of the vessel shall make an application for it to be remeasured in accordance with regulation 12B above.”

(3) In regulation 16, for “or 14(9)” there shall be substituted “, 12E or 14(9)”.

Amendment of the Merchant Shipping (Fishing Vessels—Tonnage) Regulations 1988

3. The Merchant Shipping (Fishing Vessels—Tonnage) Regulations 1988(3) shall be amended as follows—

(1) in regulation 2:

(a) for the definition of “Authorised Measurer” there shall be substituted the following—

““Authorised Measurer” means a measurer appointed by an organisation authorised by the Secretary of State for this purpose”;

(b) the following definition shall be inserted in the appropriate alphabetical position.

““fixed permanent structure” includes any portion of the hull which is capable of being detached, but which must be fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders.”;

(2) in regulation 3, for “the Merchant Shipping Act 1988” the following shall be substituted:

“Merchant Shipping Act 1995, other than a fishing vessel to which Part IIA of the Merchant Shipping (Tonnage) Regulations 1997 applies.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State of the Environment, Transport and the Regions

Glenda Jackson
Parliamentary Under-Secretary of State
Department of the Environment, Transport and
the Regions

4th August 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Tonnage) Regulations 1997 to require a measurement for tonnage of fishing vessels of between 15 or more metres in length overall and 24 metres in length, to be done in the same way as for fishing vessels of 24 metres or more in length, for the purposes of Council Regulation (EEC) No. 2930/86 defining the characteristics of fishing vessels (O.J. No. L274, 25.9.1986, p.1) as amended by Council Regulation (EC) No. O.J. 3259/94 L339, 29.12.94, p.11).

The Regulations also amend the Merchant Shipping (Fishing Vessels—Tonnage) Regulations 1988 (which provided for a simplified system of tonnage measurement for small fishing vessels) so that those Regulations will cease to apply for fishing vessels of 15 metres or more in length overall.

A definition of “fixed permanent structure” is included in both the 1988 and 1997 Regulations. The term is used in the definition of “length overall” (and applies both for the purposes of implementation of the Council Regulation and for the measurement of tonnage otherwise than under that Council Regulation).