
STATUTORY INSTRUMENTS

1998 No. 928

**MERCHANT SHIPPING
SAFETY**

**The Fishing Vessels (Safety
Provisions) (Amendment) Rules 1998**

<i>Made</i>	- - - -	<i>30th March 1998</i>
<i>Laid before Parliament</i>		<i>7th April 1998</i>
<i>Coming into force</i>	- -	<i>1st May 1998</i>

Whereas the Secretary of State is a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the safety of ships, and the health and safety of persons on them;

And whereas, in so far as the following Rules are made in the exercise of powers conferred by section 121 of the Merchant Shipping Act 1995⁽³⁾ the Secretary of State has in pursuance of subsection (4) of section 306 of that Act consulted organisations he considers will be affected as mentioned in that subsection:

Now, therefore, the Secretary of State, in exercise of the powers conferred by the said section 2(2) of the European Communities Act 1972, and by sections 121 and 307 of the Merchant Shipping Act 1995 and of all other powers enabling him on that behalf, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Fishing Vessels (Safety Provisions) (Amendment) Rules 1998 and shall come into force on 1st May 1998.

(1) [S.I. 1995/595](#).

(2) [1972 c. 68](#); by virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Communities Area Act [1993 \(c. 5\)](#) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(3) [1995 c. 21](#).

Purpose

2. The purpose of these Rules is to provide for the implementation in part of Council Directive [93/103/EC](#) of 23rd November 1993⁽⁴⁾, on the introduction of minimum safety and health requirements for work on board fishing vessels.

Amendment of principal Rules

3. The Fishing Vessels (Safety Provisions) Rules 1975⁽⁵⁾, shall be further amended as follows.
4. For Rule 1(2) there shall be substituted:—
 - (a) “(2) Subject to sub-paragraph (b) below, these Rules apply to every mechanically propelled sea-going vessel registered in the United Kingdom under Part II of the Register of Ships maintained in accordance with Part II of the Merchant Shipping Act 1995.
 - (b) Where a heading of a Rule refers to additional requirements for certain fishing vessels, that Rule shall apply only to such fishing vessels of that length (except that a reference to vessels of 15 metres in length or over shall not apply to fishing vessels constructed before 23rd November 1995 of less than 18 metres in length) and shall come into force:
 - (i) for fishing vessels with a length of 15 metres or over which were constructed on or after 23rd November 1995, on 1st May 1998;
 - (ii) for fishing vessels with a length of 18 metres or over which were constructed before 23rd November 1995, insofar as the structural characteristics permit, on 23rd November 2002.
 - (c) For the purposes of sub-paragraph (b) above:
 - (i) a vessel for which a building or major conversion contract was placed before 23rd November 1995 and which is delivered before 23rd November 1998 shall be regarded as constructed before 23rd November 1995; and
 - (ii) “length” means length between perpendiculars.”.
5. In Rule 1(3), between “Rules” and “shall” there shall be inserted:

“except for those Rules referred to in Rule 1(2)(b),”
6. In Rule 1(4) (application), between “Rules” and “shall” on the first line, there shall be inserted:

“except for those Rules referred to in Rule 1(2)(b),”
7. In Rule 1(5) there shall be inserted, in the appropriate places, the following definitions:

““Constructed” in respect of a vessel means a stage of construction where

 - (a) the keel is laid; or
 - (b) construction identifiable with a specific vessel begins; or
 - (c) assembly of the vessel has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material; whichever is less;”

““Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, an executive agency of the Department of Environment, Transport and the Regions;”

(4) O.J. No. L. 3074, 13.12.93, p.1.

(5) [1975/330](#), to which there are amendments not relevant to these Regulations.

““Worker” means any person carrying out an occupation on board a vessel, including trainees and apprentices but excluding shore personnel carrying out work on board a vessel at the quayside and port pilots.”.

8. After Rule 16 there shall be inserted the following Rule:

“Additional requirements for vessels of 15 metres in length or over

16A.—(1) The skipper of every vessel shall take precautionary measures necessary to maintain adequate stability of the vessel.

(2) Instructions supplied concerning the vessel’s stability shall be strictly observed.”

9. After Rule 20, there shall be inserted the following Rule:

“Additional requirements for vessels of 15 metres in length or over

20A.—(1) If the main engines are controlled from inside the engine room then an additional control position is required outside of the engine room, which position shall be soundproofed and insulated from the engine room and accessible without entering the engine room.

(2) The wheelhouse is considered to be an additional control position which meets the requirements of paragraph (1).”

10. After Rule 41 there shall be inserted the following Rule:

“Additional requirements for vessels of 24.4 metres in length or over

41.A.—(1) The main electrical switchboard and the emergency switchboard shall, to the greatest extent possible, be installed in such a way that they cannot be exposed simultaneously to water or fire.”.

(2) Switchboards shall be clearly marked; and fuse boxes and fuse holders shall be checked at regular intervals to ensure that the correct rating of fuse is being used.”

11. After Rule 42, there shall be inserted the following Rule:

“Additional requirements for vessels of 15 metres in length or over but less than 24.4 metres in length

42A.—(1) An emergency electrical power source shall be provided.

(2) Except in open vessels, the emergency electrical power source shall be located outside the engine room and shall, in all cases, be so arranged as to ensure that in the event of fire or other failure of the main electrical installation, the emergency electrical power source will provide the simultaneous functioning for at least three hours of the following services:

- (a) the internal communication system, fire detectors and emergency signals,
- (b) the navigation lights and emergency lighting,
- (c) the radio installation, and
- (d) the emergency electrical fire pump where present.

(3) If the emergency electrical power source is an accumulator battery and the main electrical power source fails, the accumulator battery shall be automatically connected to

the emergency electrical switchboard and supply power for an uninterrupted period of three hours to the systems referred to in paragraph (2)(a), (b) and (c) above.

(4) The main electrical switchboard and the emergency switchboard shall, to the greatest extent possible, be installed in such a way that they cannot be exposed simultaneously to water or fire.

(5) Switchboards shall be clearly marked and fuse boxes and fuse holders shall be checked at regular intervals to ensure that the correct rating of fuse is being used.”.

12. In Rule 51 the following paragraph shall be added:

“Additional requirements for vessels of 15 metres in length or over

(3) Where refrigeration plants or compressed air systems are installed they shall be maintained in an efficient working condition and examined at regular intervals.”

13. After Rule 54, there shall be inserted the following Rules:

“Additional requirements for vessels of 15 metres in length or over

54A.—(1) All equipment used in hoisting shall be tested and examined at regular intervals.

(2) All parts of hauling gear, hoisting gear and related equipment shall be maintained in good repair and working order.

(a) (3) The controls for the hauling gear shall be installed in an area sufficiently large to enable operators to work unhindered.

(b) The hauling gear shall also have appropriate safety devices for emergencies, including emergency stop facilities.

(a) (4) The hauling gear operator shall have a clear view of the hauling gear and the workers operating it.

(b) If the hauling gear is controlled from the wheelhouse, the operator shall also have a clear view of the workers operating it, either directly or via any other suitable medium.

(5) A reliable communications system shall be used between the wheelhouse and the working deck.

(6) A sharp look out shall always be maintained and the crew warned of the imminent danger of heavy oncoming seas during fishing operations or when other work is being done on deck.

(7) Contact with bare ropes and warps and with moving parts of the equipment shall be minimized by installing protective devices.

(8) The following controls shall be installed for moving masses (on ships with trawl doors or codends):

(a) devices to immobilize the trawl doors;

(b) devices to control the swinging motion of the codend.

54B.—(1) Working areas shall be kept clear and, as far as practicable, shall be protected from the sea and provide adequate protection for workers against falling on the vessel or falling overboard.

(2) Handling areas shall be sufficiently spacious, in terms of both height and surface area.”.

14. After Rule 60, there shall be inserted the following Rule:

“Additional requirements for vessels of 15 metres in length or over

60A.—(1) Emergency routes and exits shall be indicated by signs in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996(6).

(2) Such signs shall be placed at appropriate points and be made of a durable material.”.

15. After Rule 63, there shall be inserted:

“Additional requirements for vessels of 15 metres in length or over

63A.—(1) Passageways, trunks and all traffic routes in general shall be equipped with guard rails, grab rails and life lines or other means of ensuring the safety of workers in the course of activities on board.

(2) If there is a risk that workers may fall through openings in the deck, or from one deck to another, then so far as is reasonably practicable adequate protection shall be provided.

(3) Access to installations above the deck for operations or maintenance purposes shall be provided with guard rails or similar protective devices of appropriate height such as to prevent falls, to ensure workers' safety.

(4) On stern trawlers with ramps, the gate or other device fitted at the upper part of the ramp shall be easily opened and closed, and may be open only for casting the net or hauling it in.

(5) For vessels constructed on or after 23rd November 1995;

(i) where guard rails are provided, including rails to the outer part of deckhouses, they shall be at least one metre high;

(ii) closing arrangements referred to in paragraph (4) above shall preferably be by remote control.”.

16. After Rule 65, there shall be inserted the following Rules:

“Additional requirements for vessels of 15 metres in length or over

65A.—(1) Spaces accessible to workers shall be non-slip or anti-slip or be provided with devices to prevent falls, and, so far as is reasonably practicable, kept free of obstacles.

(2) Working areas shall be kept clear and, so far as is reasonably practicable, be protected from the sea and provide adequate protection for workers against falling on the vessel or falling overboard.

(3) Handling areas shall be sufficiently spacious, in terms of both height and surface area.

(4) An accommodation ladder, gangway or other similar equipment providing an appropriate, safe means of boarding the vessel shall be available.”

65B.—(1) Where risks to the safety and health of workers cannot be prevented or sufficiently limited by collective or technical means of protection, they shall be provided with personal protection equipment.

(2) Personal protective equipment in the form of clothing or worn over clothing shall be in bright colours, contrasting with the marine environment and clearly visible.”

17. After Rule 72 the following Rule shall be inserted:

“Additional requirements for vessels of 15 metres in length or over

72A. Electronic aids to navigation shall be tested frequently and well maintained.”.

18. After Rule 106, there shall be inserted the following Rule:

“Additional requirements for vessels of 15 metres in length or over

106A.—(1) Manually-operated fire-fighting equipment shall be easily accessible and simple to use and shall be indicated by signs in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996.”

(2) Such signs shall be placed at appropriate points and be made of a durable material.”

19. In Rule 119(1), between “and over” and “to” on the first line, there shall be inserted: “,or on which five or more workers are carried,”

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

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

30th March 1998

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules give effect in part, in relation to sea-going United Kingdom fishing vessels, to the European Communities Council Directive [93/103/EC](#) of 23rd November 1993 concerning the minimum safety and health requirements for work on board fishing vessels. They do so by further amending the Fishing Vessels (Safety Provisions) Rules 1975 (“SPR”).

The amendments implement certain requirements in parts of Annexes I (new fishing vessels, i.e. constructed on or after 23rd November 1995), II (existing vessels) and III and IV of the Directive relating to the following matters—

- (a) seaworthiness and stability (Annexes I and II, section 1) (*rule 8, SPR new rule 16A*);
- (b) mechanical and installations (Annexes I and II, section 2) (*rules 10-13 and 17, SPR new rules 41A, 42A, 51(3), 54A(1) and (2) and 72(A)*);
- (c) emergency routes and exits (Annexes I and II, section 4) (*rule 14, SPR new rule 60A*);
- (d) fire detection and fire fighting (Annexes I and II, section 5) (*rule 18, SPR new rule 106A*);
- (e) decks, bulkheads and deckheads (Annexes I and II, section 9) (*rule 15, SPR new rule 65A(1)*);
- (f) traffic routes—danger areas (Annexes I and II, section 11), (*rule 15, SPR new rule 63A*);
- (g) layout of workstations (Annexes I and II, section 12) (*rules 9 and 13, SPR new rule 20A and 54B*);
- (h) accommodation ladders and gangways (Annexes I and II, section 16) (*rule 16, SPR new rule 65A(4)*);
- (i) musters and drills (Annex III, section 5) (*rule 19, SPR new rule 119*);
- (j) personal protective equipment (Annex IV) (*rule 15, SPR new rule 65B*);

A compliance cost assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Department of the Environment, Transport and the Regions Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the library of each House of Parliament.