
STATUTORY INSTRUMENTS

1998 No. 929

MERCHANT SHIPPING

**The Merchant Shipping (Crew Accommodation)
(Fishing Vessels) (Amendment) Regulations 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 Regulations are made in the exercise of powers conferred by section 43 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 43 and 307 of the Merchant Shipping Act 1995 and of all other powers enabling him on that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Rules may be cited as the Merchant Shipping (Crew Accommodation) (Fishing Vessels) (Amendment) Regulations 1998 and shall come into force on 1st May 1998.

Amendment of the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975

2. The Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975⁽⁴⁾ shall be amended as follows:

(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 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 of 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](#).

(4) [S.I. 1975/2220](#), to which there are amendments not relevant to these Regulations.

3. In regulation 1 the following definitions shall be added in the appropriate place:

“existing fishing vessel” means a fishing vessel which is not a new fishing vessel;

“new fishing vessel” means a fishing vessel:

- (a) for which the building or major conversion contract was placed before 23rd November 1995 which is delivered three or more years after that date; or
- (b) constructed on or after 23rd November 1995;

except that if a building or major conversion contract was placed before that date and the vessel was delivered before 23rd November 1998 the vessel shall be regarded as constructed before 23rd November 1995;”

“Register” means the Register of Ships maintained under Part II of the Merchant Shipping Act 1995;

“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;”

4. For regulation 2 there shall be substituted the following:

“Application

2.—(1) Subject to paragraph (2) below, these Regulations apply to any mechanically propelled sea-going fishing vessel of 24.4 metres or more in length registered on Part II of the Register, which either was registered for the first time as a fishing vessel on or after 1st January 1977 or was reconstructed or substantially altered after that date, except a vessel primarily propelled by sail but having auxiliary engines.

- (a) (2) Regulations 6(7), 7(9), 10A, 11(4), 14A, 15, 15A, 16A, 25A, 25B, 27A, 28A, 29A, 31 and 36 apply to new fishing vessels of 15 metres in length or more.
- (b) regulations 6(8), 7(9), 10A, 11(4), 14A, 15, 15A, 25B, 28A, 29A and 31 apply to existing fishing vessels of 18 metres in length or over, in so far as the structural characteristics permit, on and after 23rd November 2002;
- (c) regulation 16 shall also apply to existing fishing vessels, of 18 metres in length or more but less than 24.4 metres in length, insofar as the structural characteristics permit, on and after 23rd November 2002.”

5. For regulation 3 the following shall be substituted:

“Extension to unregistered British fishing vessels

3.—(1) It is hereby directed that the provisions of section 43 of the Merchant Shipping Act 1995 and of these Regulations shall extend to vessel of the following description, that is to say, mechanically propelled sea-going fishing vessels of 24.4 metres or over in length which are:

- (a) wholly owned by a person resident in or by a body corporate having the principal place of business in the United Kingdom; and
- (b) required to be registered under Part II of the Register but not so registered; and to masters and seamen employed in them.”

(2) For the purposes of this regulation, references in regulation 2 to registration of a fishing vessel shall be references to the date on which her construction was completed.”

6. In regulation 6 after paragraph (6) there shall be added the following paragraphs—

“Additional requirements for new fishing vessels of 15 metres or more in length

- (a) (7) The location, structure, soundproofing, means of insulation and layout of the crew accommodation, where this exists, and means of access thereto shall be such as to provide adequate protection against weather and sea, vibration, noise and unpleasant odours from other parts of the vessel likely to disturb the workers during their period of rest.
- (b) Where the design, dimensions or purpose of the vessel allow, the crew accommodation shall be located so as to minimise the effects of motion and acceleration.
- (c) Appropriate measures shall be taken as far as possible to protect non-smokers from discomfort caused by tobacco smoke.”

Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit

(8) Crew accommodation shall be such that noise, vibration, the effects of motion and acceleration and unpleasant odours from other parts of the vessel are minimised.”

7. In regulation 7 after paragraph (8) there shall be added the following paragraph:

“Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit and for new fishing vessels of 15 metres or more in length

(9) Workplaces containing workstations shall be adequately soundproofed and insulated, bearing in mind the type of tasks involved and the physical activity of the workers.”

8. After regulation 10 there shall be inserted the following new regulation:

“Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit and for new fishing vessels of 15 metres or more in length

10A. The surface of decks, bulkheads and deckheads in the working areas shall be such that they can be cleaned or refurbished to an appropriate standard of hygiene.”

9. After regulation 11(3) there shall be added the following paragraph:

“Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit and for new fishing vessels of 15 metres or more in length

- (a) (4) Means shall be provided so that doors can at all times be operated from the inside without special equipment. The doors shall be operable from either side when workplaces are in use.
- (b) Doors, and in particular sliding doors, where such have to be used, shall function as safely as possible for the workers, especially in adverse weather and sea conditions.”

10. After regulation 14 the following regulation shall be inserted:

“Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit and for new fishing vessels

14A. The temperature in working areas shall be adequate for the human body during the hours of working, having regard to the work methods used, the physical demands placed on the workers and the actual or potential weather conditions in the area in which the vessel operates.

(2) The temperature in crew accommodation, sanitary facilities, canteens and first-aid rooms shall, where those areas exist, be appropriate to the particular purpose of such areas.”.

11. After regulation 15 there shall be inserted the following new regulation:

“Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit and for new fishing vessels of 15 metres or more in length

15A.—(1) Workplaces shall as far as practicable be adequately lit by natural light and be equipped with artificial lighting suitable for the fishing operations in hand, without placing workers' safety and health in danger or jeopardizing other vessels

(2) Installations for the lighting of working areas, stairs, ladders and passageways shall be placed in such a way that the type of lighting provided poses no risk of accident to workers and no hindrance to the navigation of the vessel.

(a) (3) Workplaces in which workers are especially exposed to risks in the event of failure of artificial lighting shall be provided with emergency lighting of adequate intensity.

(b) Emergency lighting shall be maintained in an efficient operating condition and be tested at regular intervals.”

12. After regulation 16 there shall be inserted the following new regulation:

“Additional requirements for new fishing vessels of 15 metres or more in length

16A.—(1) Crew accommodation shall be properly ventilated to ensure a constant supply of fresh air and to prevent condensation.”

(a) (2) (a) There shall be sufficient fresh air in enclosed workplaces, having regard to the working methods used and the physical demands placed on the workers.

(b) If a mechanical ventilation system is used, it must be maintained in good condition.

13. After regulation 25 there shall be inserted the following new regulations:

“Additional requirements for new fishing vessels of 15 metres or more in length

25A. On vessels with crew accommodation, shower facilities with hot and cold running water and wash-basins shall be properly equipped and installed and the respective areas shall be properly ventilated.”

Additional requirements for existing vessels of 18 metres in length and over in so far as the structural characteristics permit and for new fishing vessels of 15 metres or more in length

25B. On vessels with crew accommodation, toilets, wash-basins and, if possible, a shower shall be installed and the respective areas shall be properly ventilated.”

14. After regulation 27 there shall be inserted the following new regulation:

“Additional requirements for new fishing vessels of 15 metres or more in length

27A. Every worker shall have the use of a place where he can keep his clothes.”.

15. After regulation 29 there shall be inserted the following new Regulation:

“Additional requirements for existing vessels of 18 metres in length or more in so far as the structural characteristics permit and for new fishing vessels of more than 15 metres or more in length

29A.—(1) The galley and mess, where these exist, shall be of adequate size, well lit and ventilated and easy to clean.”

(2) Refrigerators or other low temperature food-storage equipment must be provided.

16. After regulation 35 there shall be added the following new regulation:

“Additional requirements for new fishing vessels of 15 metres or more in length

36. All appropriate technical measures shall be taken to reduce the noise level at work in places and crew accommodation as far as possible, taking into account the size of the vessel.”

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
Regions

30th March 1998

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make requirements for crew accommodation additional to those contained in the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975 (“CA”) and put into effect in part the requirements of European Council Directive 93/103/EC on the minimum safety and health requirements for work on board fishing vessels.

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

- (a) ventilation of enclosed workplaces (Annexes I and II, section 6) (*Regulation 12 CA new regulation 16A(2)*);
- (a) temperature of working areas (Annexes I and II, section 7) (*Regulations 10, CA new regulation 14A*);
- (b) natural and artificial lighting of workplaces (Annexes I and II, section 8) (*Regulation 11, CA new regulation 15A*);
- (c) decks, bulkheads and deckheads (Annexes I and II, section 9) (*Regulations 7, 8, CA new regulation 7(9), 10A*);
- (d) doors, bulkheads and deckheads (Annexes I and II, section 10) (*Regulation 9, CA new regulation 11(4)*);
- (e) living quarters, bulkheads and deckheads (Annexes I and II, section 13) (*Regulations 12, 15, CA new regulation 16A(1), 29A*);
- (f) sanitary quarters, bulkheads and deckheads (Annexes I and II, section 14) (*Regulation 13, CA new regulation 25A*);
- (g) noise, bulkheads and deckheads, (Annexes I and II, section 17) (*Regulations 16, CA new regulation 36*).

A compliance cost assessment has been prepared and copies can be obtained from the Marine Safety 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.