
STATUTORY INSTRUMENTS

2004 No.2169

**MERCHANT SHIPPING
SAFETY**

**The Fishing Vessels (Safety Training)
(Amendment) Regulations 2004**

Made - - - - *17th August 2004*
Laid before Parliament *2nd September 2004*
Coming into force - - *1st January 2005*

The Secretary of State, in exercise of the powers conferred upon him by section 85(1), (3), (5) and (7) and section 86 of the Merchant Shipping Act 1995(1), having consulted with such persons in the United Kingdom as he considers will be affected, in accordance with section 86(4)(2) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fishing Vessels (Safety Training) (Amendment) Regulations 2004 and shall come into force on 1st January 2005.

Interpretation

2. In these Regulations “the 1989 Regulations” means the Fishing Vessels (Safety Training) Regulations 1989(3).

Amendment of the 1989 Regulations

3.—(1) Regulation 1(2) of the 1989 Regulations shall be modified as follows.

(2) In the definition of “Approved Training Course” for “regulation 2(1)” there shall be substituted “regulation 2”.

(3) After the definition of “certificated deck officer” and “certificated engineer officer” there shall be inserted following definition—

(1) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.
(2) Section 86 was amended by the Merchant Shipping and Maritime Security Act 1997 8(6) and schedule 7 but the amendments are not relevant.
(3) SI 1989/126

““experienced fisherman” means a fisherman who has not less than two years service working on board fishing vessels.”

(4) The definitions of “new entrant” and “serving fisherman” shall be omitted.

4. For regulation 2 of the 1989 Regulations there shall be substituted the following—

“2.—(1) No person, other than a certificated deck officer or a certificated engineer officer, shall be employed or engaged on or after 1st January 2005 on a fishing vessel registered in the United Kingdom unless he is the holder of a certificate or certificates issued by the Sea Fish Industry Authority certifying:—

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

- (i) basic survival at sea,
- (ii) basic fire-fighting and prevention,
- (iii) basic first aid, and
- (iv) basic health and safety.

or

(b) if he is the holder of a certificate of competency as a skipper or second hand issued pursuant to section 414 of the Merchant Shipping Act 1894⁽⁴⁾ that he has undergone an Approved Training Course in basic survival at sea and basic fire fighting and prevention.

(2) No experienced fisherman shall act as master of a fishing vessel or be employed or engaged on a fishing vessel registered in the United Kingdom unless he is the holder of a certificate or certificates certifying that he has undergone an Approved Training Course in Safety Awareness.

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

Signed by authority of the Secretary of State

17th August 2004

Kim Howells
Minister of State,
Department for Transport

(4) 1894 c. 60. Section 414 was repealed by the Merchant Shipping Act 1970

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations amend the Fishing Vessel (Safety Training) Regulations 1989 (“the 1989 Regulations”), which were made under sections 21 and 22 of the Merchant Shipping Act 1979 c. 39).

The 1989 Regulations were amended so as:

- (a) to require all fishermen to undergo training in basic health and safety;
- (b) to require experienced fishermen to undergo training in safety awareness; and
- (c) to require fishermen who were born before 1st March 1954, in addition to undergoing training in basic health and safety and safety awareness, to undergo training in basic survival at sea, basic fire fighting and prevention and basic first aid.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Maritime and Coastguard Agency, Head of Seafarer Training and Certification Branch, Bay 1/19, Spring Place, Southampton SO15 1EG (Telephone 023 8032 9231, fax 023 8032 9252).