



Merchant Shipping Act 1995

1995 CHAPTER 21

PART V

FISHING VESSELS

CHAPTER II

SAFETY

121 Fishing vessel construction rules.

- (1) The Secretary of State may make rules (in this Chapter referred to as “fishing vessel construction rules”) prescribing requirements for the hull, equipment and machinery of United Kingdom fishing vessels of any description (including any description framed by reference to the areas in which the vessels operate or the dates on which they were first registered in the United Kingdom or on which their construction was begun).
- (2) The Secretary of State may exempt any fishing vessel or description of fishing vessel from any requirement of the fishing vessel construction rules.
- (3) He may do so generally or for a specified time or with respect to a specified voyage or to voyages in a specified area, and may do so subject to any specified conditions.
- (4) A surveyor of ships may inspect any fishing vessel for the purpose of seeing that it complies with the fishing vessel construction rules.
- (5) If—
 - (a) the fishing vessel construction rules are contravened with respect to any vessel; or
 - (b) a vessel is, under subsection (2) above, exempted from any requirement subject to a condition and the condition is not complied with;

the owner or master of the vessel shall be liable —

- (i) on summary conviction, to a fine not exceeding the statutory maximum;

Status: Point in time view as at 01/11/1996. This version of this chapter contains provisions that are prospective.

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(ii) on conviction on indictment, to a fine.

122 Fishing vessel survey rules.

- (1) The Secretary of State may make rules (in this Chapter referred to as “fishing vessel survey rules”) for the surveying and periodical inspection of United Kingdom fishing vessels or any description of such fishing vessels, for the purpose of ensuring their compliance with the requirements of the fishing vessel construction and equipment provisions.
- (2) In this Chapter “the fishing vessel construction and equipment provisions” means fishing vessel construction rules and rules or safety regulations relating to life-saving, radio and navigational equipment for fishing vessels.

123 Fishing vessel certificates.

- (1) If the Secretary of State or any person authorised by him for the purpose is satisfied, on receipt of a declaration of survey in respect of a fishing vessel surveyed under the fishing vessel survey rules, that the vessel complies with such of the requirements of the fishing vessel construction and equipment provisions as are or will be applicable to the vessel, then, subject to subsection (2) below, the Secretary of State or person shall, on the application of the owner, issue a certificate (in this and the following sections referred to as a “fishing vessel certificate”) showing that the vessel complies with those requirements; and for this purpose any requirement from which the vessel has been exempted under section 121(2) or any other provision of this Act shall be deemed not to be applicable to it.
- (2) Fishing vessel survey rules may require, in the case of such fishing vessel certificate as may be specified in the rules, that the Secretary of State or person authorised to issue it shall not issue the certificate unless satisfied that the vessel in respect of which it is to be issued is provided with the lights, shapes and means of making fog signals required by safety regulations for the prevention of collisions.
- (3) A fishing vessel certificate shall be in such form as may be prescribed by the fishing vessel survey rules; and those rules may make provision for the duration, extension or cancellation of any such certificate and for the endorsement on it of information relating to the inspection, in accordance with the rules, of the vessel to which it relates and of any extension of the period for which the certificate was issued.

Modifications etc. (not altering text)

C1 [S. 123](#) extended (1.12.1999) by [S.I. 1999/2205](#), [reg. 19](#)

124 Provisions supplementary to section 123.

- (1) The Secretary of State may require a fishing vessel certificate which has expired or been cancelled, to be delivered up as he directs.
- (2) If the owner or skipper of the fishing vessel fails without reasonable excuse to comply with a requirement made under subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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- (3) The owner or skipper of a fishing vessel to whom a fishing vessel certificate is issued shall forthwith, on the receipt of the certificate by him (or his agent), cause a copy of it to be put up in some conspicuous place on board the vessel, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force and the vessel is in use.
- (4) If the owner or skipper of a fishing vessel fails without reasonable excuse to comply with subsection (3) above, he shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.
- (5) If any person intentionally makes, or assists in making, or procures to be made, a false or fraudulent fishing vessel certificate he shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) In Scotland, if any person—
 - (a) forges, assists in forging or procures to be forged,
 - (b) fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered,any fishing vessel certificate he shall be liable—
 - (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (ii) on conviction on indictment, to a fine or to imprisonment or to both.
- (7) A fishing vessel certificate shall be admissible in evidence.

125 Prohibition on going to sea without appropriate certificate.

- (1) No fishing vessel required to be surveyed under the fishing vessel survey rules shall go to sea unless there are in force fishing vessel certificates showing that the vessel complies with such of the requirements of the fishing vessel construction and equipment provisions as are applicable to the vessel.
- (2) If a fishing vessel goes to sea in contravention of subsection (1) above the owner or skipper of the vessel shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (3) The skipper of any United Kingdom fishing vessel shall on demand produce to any officer of customs and excise or of the Secretary of State any certificate required by this Chapter; and the fishing vessel may be detained until the certificate is so produced.

126 Notice of alterations.

- (1) Where a fishing vessel certificate is in force in respect of a fishing vessel and—
 - (a) the certificate shows compliance with requirements of the fishing vessel construction rules and an alteration is made in the vessel's hull, equipment or machinery which affects the efficiency thereof or the seaworthiness of the vessel; or

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- (b) the certificate shows compliance with requirements of the fishing vessel equipment provisions and an alteration is made affecting the efficiency or completeness of the appliances or equipment which the vessel is required to carry by the fishing vessel equipment provisions;

the owner or skipper shall, as soon as possible after the alteration is made, give written notice containing full particulars of it to the Secretary of State or, if the certificate was issued by another person, to that person.

- (2) If the notice required by subsection (1) above is not given as required by that subsection the owner or skipper shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this section—

“alteration” in relation to anything includes the renewal of any part of it and
 “the fishing vessel equipment provisions” means the provisions of the fishing vessel construction and equipment provisions other than the fishing vessel construction rules.

PROSPECTIVE

Training

127 Training in safety matters.

- (1) The Secretary of State may make regulations for securing that the skipper of and every seaman employed or engaged in a United Kingdom fishing vessel is trained in safety matters.
- (2) The regulations may provide that if a person goes to sea on a fishing vessel in contravention of a requirement of the regulations—
- (a) he commits an offence and is liable on summary conviction to a fine not exceeding level 2, 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 is (except in respect of a contravention by himself) liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Regulations under this section may make different provision for different cases, or descriptions of case, including different provisions for different descriptions of vessel or according to the circumstances of operation of a vessel.

Commencement Information

II S. 127 not in force at Royal Assent see s. 314, Sch. 14 para. 5

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