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## STATUTORY INSTRUMENTS

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# 1975 No. 330

## The Fishing Vessels (Safety Provisions) Rules 1975

### PART V

#### SURVEYS AND CERTIFICATES

##### **Surveys and periodical inspections**

**123.** Every vessel of 12 metres in length and over to which these Rules apply shall be surveyed and periodically inspected in accordance with the requirements of this Part of these Rules.

##### **Surveys**

**124.** A surveyor appointed by the Secretary of State shall survey the vessel, after such plans, drawings, specifications, documents and information as he may require have been provided for his use by the owner of the vessel and any fee payable has been paid, in order to ascertain whether the vessel complies with such requirements of Parts II and III of these Rules as apply to it and for that purpose may require the vessel and any of its machinery, fittings and equipment to be submitted to such tests as he considers necessary, except that in the case of vessels classed with Lloyd's Register of Shipping or in respect of which a grant or loan has been made or is to be made under the Sea Fish Industry Act 1970 and which are thereby subject to inspection by a person authorised by the White Fish Authority or the Herring Industry Board, a surveyor appointed by Lloyd's Register of Shipping, the White Fish Authority or the Herring Industry Board, as the case may be, may survey the vessel in order to ascertain whether the vessel complies with such requirements of Rules 2 to 14 inclusive and 17 to 54 inclusive of these Rules as apply to it and for that purpose may require the vessel and any of its machinery, fittings and equipment to be submitted to such tests as he considers necessary.

##### **Surveyor's report and declaration of survey**

**125.—(1)** On completion of the survey, the surveyor shall provide the Secretary of State with a declaration of survey.

(2) The surveyor shall complete and append to the declaration of survey a record of particulars and report in the form set out in Schedule 2 to these Rules or a form as near thereto as circumstances permit which shall contain the particulars required by that form. Such particulars may be given by attaching to the record a copy of the surveyor's report and associated plans and documents, if any, and specifying in the record passages in the report in which the relevant particulars are given.

(3) Two copies of the record shall be sent to the owner of the vessel on first survey and shall be produced for inspection and the addition of the surveyor's report and subsequent surveys.

##### **Issue and form of fishing vessel certificates**

**126.** If the Secretary of State is satisfied that the vessel has been duly surveyed in accordance with the foregoing provisions of these Rules and:—

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- (a) complies with such of the requirements of Parts II and III of these Rules, the radio rules, rules for direction finders and the rules for navigational aids as are or will be applicable to the vessel; and
- (b) is properly provided with the lights, shapes and means of making sound signals required by the collision regulations,

a United Kingdom fishing vessel certificate in the form set out in Schedule 1 to these Rules shall be issued to the owner of the vessel.

### **Duration of certificates**

**127.** Except as otherwise provided in these Rules, a United Kingdom fishing vessel certificate shall be in force for 48 months from the date of its issue or such shorter period as may be specified in the certificate.

### **Extension of certificates**

**128.**—(1) Subject to paragraph (2) below, where application has been made to the Secretary of State by the owner of a vessel in respect of which a United Kingdom fishing vessel certificate is in force, for issue of a further United Kingdom fishing vessel certificate to take effect on the expiry of the current certificate and following that application the vessel has been duly surveyed in accordance with Rule 124 of these Rules, if the Secretary of State is satisfied on receipt of the surveyor's report that the vessel complies with the requirements of Parts II and III of these Rules (other than those relating to stability) but by reason of the absence of stability information or otherwise, the further United Kingdom fishing vessel certificate may not be issued before the date of expiry of the current certificate, the period of validity of that current certificate may be extended for a period not exceeding two months.

(2) No such extension shall have effect for the purposes of these Rules unless particulars of the date to which the period of validity is extended, together with particulars of the place at and the date on which such extension was given, are endorsed by the Secretary of State on the current certificate.

(3) The period of validity of any United Kingdom fishing vessel certificate coming into force immediately on the expiry of a certificate extended pursuant to this Rule shall not exceed a period of four years commencing on the date on which the survey referred to in paragraph (1) above was begun.

### **Cancellation of certificates**

**129.** The Secretary of State may cancel a United Kingdom fishing vessel certificate:—

- (a) if he is satisfied:—
  - (i) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously;
  - (ii) that the certificate has been issued upon false or erroneous information;
  - (iii) that since the making of the declaration, the hull, equipment or machinery have sustained any damage or are otherwise inadequate for their intended service;
- (b) if the certificate is not endorsed in the manner set out in Rule 130 of these Rules where the vessel is required to have been inspected in accordance with the requirements of that Rule;
- (c) if a new certificate is issued in respect of the vessel;
- (d) if the vessel has ceased to be registered in the United Kingdom under Part I or entered in the fishing boat register under Part IV of the Merchant Shipping Act 1894; or

- (e) if the vessel has ceased to be classed with Lloyd's Register of Shipping or has ceased to be subject to inspection by the White Fish Authority or the Herring Industry Board.

### **Periodical inspection of fishing vessels**

**130.**—(1) Every vessel in respect of which a United Kingdom fishing vessel certificate is in force shall be periodically inspected in accordance with the provisions of this Rule by a surveyor appointed by the Secretary of State in order to ascertain that:—

- (a) the fittings and appliances for the protection of openings, the guard rails, the freeing ports, the means of access to and escape from the crew accommodation, the life-saving appliances and machinery and fittings used in the operation of fishing, the radio equipment and installations and the lights, shapes and means of making sound signals required by the collision regulations are in an effective condition and comply with the requirements of the Rules applicable to them; and
- (b) since the date of issue of the current certificate, no changes have been made or taken place in the hull, machinery, pumping arrangements or superstructures of the vessel as a result of which the vessel fails to comply with such of the requirements of Parts II and III of these Rules as apply to it or the stability characteristics of the vessel have been altered.

(2) Application for periodical inspection shall be made by or on behalf of the owner of the vessel to the Secretary of State.

(3) The surveyor appointed by the Secretary of State to carry out the periodical inspection may in the course of that inspection require the vessel and any of its machinery, fittings and equipment to be submitted to such tests as he may consider necessary to determine whether the vessel complies with the requirements of paragraph (1) above.

(4) Every such vessel shall be inspected in accordance with the provisions of this Rule not less than 21 months and not more than 27 months from the date of issue of the certificate.

(5) The surveyor, if satisfied after such periodical inspection that the vessel complies with the requirements of paragraph (1) above, shall endorse a record of the inspection in the space provided on the United Kingdom fishing vessel certificate and shall certify that the vessel was found to comply with the requirements of paragraph (1) above.