

1972 No. 1873

## MERCHANT SHIPPING

## The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1972

<i>Made</i> - - - -	30th November 1972
<i>Laid before Parliament</i>	11th December 1972
<i>Coming into Operation</i>	1st January 1973

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by section 68 of that Act and now vested in him (b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1972 and shall come into operation on 1st January 1973.

(2) In these Regulations—

“the Act of 1894” means the Merchant Shipping Act 1894(c)

“the Act of 1949” means the Merchant Shipping (Safety Convention) Act 1949(d)

“the Act of 1970” means the Merchant Shipping Act 1970

“appropriate superintendent or proper officer” means a superintendent or proper officer for the place where the fishing vessel is at the time referred to in regulation 10(1) (delivery of official log books);

“entry” means an entry in an official log book (including any entry contained in a separate document annexed to an official log book in accordance with regulation 6) of any particulars specified in any paragraph of column 1 in the Schedule to these Regulations and an entry amending or cancelling such an entry;

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(a) 1970 c. 36.

(b) See the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p. 5293)).

(c) 57 & 58 Vict. c. 60.

(d) 12, 13 & 14 Geo. 6 c. 43.

“fishing vessel” means a ship which is a fishing vessel registered in the United Kingdom under Part I or under Part IV of the Act of 1894;

“the Musters Rules” means the Merchant Shipping (Musters) Rules 1965(a);

“the Property Regulations” means the Merchant Shipping (Property of Deceased Seamen) Regulations 1972(b);

“the Repatriation Regulations” means the Merchant Shipping (Repatriation) Regulations 1972(c);

“rules for life-saving appliances” means the rules made under section 427 of the Act of 1894;

“seaman” in paragraphs 16, 17 and 28 of the Schedule includes the master of a fishing vessel;

“length” means the length of a fishing vessel entered in its certificate of registry;

“wages submission” means a submission to a superintendent or proper officer under section 10 of the Act of 1970 (which relates to disputes about wages).

(2) The Interpretation Act 1889(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Exemptions from the requirements of section 68 of the Merchant Shipping Act 1970 (Official log books)*

2. The requirement imposed by section 68 of the Act of 1970 that an official log book shall be kept in every ship registered in the United Kingdom shall not apply to a fishing vessel of a length less than 55 feet.

*Entries in official log books*

3. Subject to the provisions of the Merchant Shipping Acts and of rules and regulations made thereunder, entries of particulars specified in column 1 in each paragraph of the Schedule to these Regulations shall from time to time be made in the official log book kept in every fishing vessel not exempted from the requirement of section 68 of the Act of 1970 by regulation 2.

*Making, signing and witnessing of entries*

4.—(1) Each entry shall be made in the official log book by the person or by one of the persons (or by a person authorised by any such person for that purpose) specified in column 2 in each paragraph of the Schedule to these Regulations.

(2) Each entry (other than an entry of particulars referred to in paragraphs 1, 2, 3, 5 and 6 of the Schedule)—

(a) subject to paragraph (3) of this regulation, shall be signed by the person or by one of the persons specified in column 2 in each paragraph of the Schedule; and

(b) subject to the provisions of each paragraph of the Schedule, shall be witnessed by the person specified in column 3 in each paragraph of the Schedule.

(a) S.I. 1965/1113 (1965 II, p. 3153).  
(c) S.I. 1972/1805 (1972 III, p. 5198)

(b) S.I. 1972/1697 (1972 III, p. 4961)  
(d) 52 & 53 Vict. c. 63.

(3) An entry which is to be signed by the master may, except where the contrary intention appears, be signed by an officer authorised by the master for that purpose.

(4) Each entry shall include the date when it is made.

5. If an entry, which is to be signed or witnessed by the master or a person who is a member of the crew, is not made, signed and witnessed in accordance with the provisions of these Regulations and of the Schedule hereto, the master of the fishing vessel at the time when the entry is or should have been made, signed and witnessed shall be guilty of an offence.

*Annexes to official log books*

6. If it is not practicable by reason of its length, the circumstances in which it is to be made or for any other reason for an entry to be contained in the official log book, it shall be contained in a separate document annexed to the official log book and referred to in an entry in the official log book; and references in these Regulations to an official log book include references to any documents annexed to an official log book in accordance with this regulation.

*Time for making of entries*

7.—(1)(a) Entries of particulars specified in paragraphs 1, 2, 3 and 5 of the Schedule to these Regulations shall be made at the time when an official log book is opened and a further entry of particulars specified in paragraph 3 shall be made as soon as practicable after any change of master.

(b) The entry of particulars specified in paragraph 7 of the Schedule shall be made as soon as practicable after the commencement of each voyage.

(c) The entry of particulars specified in paragraph 9 of the Schedule shall be made as soon as practicable after every time when each muster should have been held in accordance with the Musters Rules.

(d) The entries of particulars specified in sub-paragraphs (b) and (c) of paragraph 30 of the Schedule shall be made daily or at such other times during the continuance of the illness or injury as the person intending to make any such entry thinks fit.

(e) Every other entry shall be made as soon as practicable after the occurrence to which it relates or, if it amends or cancels an existing entry, as soon as practicable after the person intending to sign it becomes aware of the facts giving rise to the amendment or cancellation.

(2) Subject to the provisions of regulation 8, no entry shall be made in an official log book after the time referred to in regulation 10(1).

*Amendment and cancellation of entries*

8.—(1) Subject to the provisions of this regulation, an entry shall not be amended or cancelled.

(2) Where—

(a) in the case of an entry which was required to be signed by the master, it appears to the person who for the time being is master of the fishing vessel that the entry is inaccurate or incomplete; or

(b) in the case of any other entry, it appears to the person who signed the entry that it is inaccurate or incomplete;

that person shall, if it is practicable to do so before the time referred to in regulation 10(1), make and sign a further entry referring to the entry and amending or cancelling it; and paragraphs (1) and 2(b) of regulation 4 and regulations 5 and 6 shall apply to the further entry.

(3) Where, after the time referred to in regulation 10(1), it appears to a superintendent or proper officer or to the Registrar General of Shipping and Seamen that any entry is inaccurate or incomplete he—

(a) may make and sign a further entry referring to the entry and amending or cancelling it; and

(b) shall, if it is practicable to do so, inform any master or seaman, to whom any such further entry relates, of its contents.

(4) Any person who fails to comply with paragraph (2) of this regulation shall be guilty of an offence.

#### *Production of official log book*

9.—(1) The master of a fishing vessel shall, on demand, produce to the Registrar General of Shipping and Seamen, a superintendent, a proper officer or an officer of customs the official log book required to be kept in the fishing vessel.

(2) A master who fails to comply with this regulation shall be guilty of an offence.

#### *Delivery of official log book*

10.—(1) The master shall, within 48 hours after the time specified in paragraph (2) or in paragraph (3) (as the case may be) of this regulation or, if it is not practicable within that time, as soon as practicable thereafter, deliver the official log book to the appropriate superintendent or proper officer.

(2) Subject to paragraph (3) of this regulation, the time referred to in paragraph (1) is either—

(a) if any person is employed in the fishing vessel under a crew agreement, the time when the last person remaining so employed is discharged from the fishing vessel; or

(b) in any other case, the time when the fishing vessel first calls at a port more than 6 months after the first entry (other than an entry specified in paragraph 1, 2, 3 or 5 of the Schedule to these Regulations) is made in the official log book.

(3) If, at the time specified in paragraph (2) of this regulation, there is pending a wages submission, the time referred to in paragraph (1) of this regulation is either the time when all such submissions have been determined by a superintendent or proper officer or withdrawn, or the expiration of 7 days after the time specified in paragraph (2) of this regulation, whichever shall be the earlier.

(4) A master who fails to comply with paragraph (1) of this regulation shall be guilty of an offence.

*Offences*

**11.** Any offence under these Regulations shall be punishable on summary conviction with a fine not exceeding £20; provided that this regulation does not apply to any act or omission which is an offence both under these Regulations and under paragraph (1)(d), (1)(e) or (2) of regulation 25 of the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations 1972(a), under regulation 21(2) of the Repatriation Regulations or under regulation 9(2) of the Property Regulations.

30th November 1972.

*Michael Heseltine,*  
Minister for Aerospace and Shipping,  
Department of Trade and Industry.

## THE SCHEDULE

ENTRIES REQUIRED TO BE MADE IN THE OFFICIAL LOG BOOKS KEPT IN FISHING VESSELS REGISTERED IN THE UNITED KINGDOM NOT EXEMPTED FROM THE REQUIREMENTS OF SECTION 68 OF THE MERCHANT SHIPPING ACT 1970 BY REGULATION 2.

	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
1	The name of the fishing vessel, its port of registry, official letters and number and its length.	The master	None
2	The name and address of the registered owner or of the registered managing owner or of the vessel's husband or manager.	The master	None
3	The name of the master and the number of his certificate of competency.	The master	None
4	Where a person ceases to be master of the fishing vessel during a voyage— a record that in accordance with section 74 of the Act of 1970, he has delivered to his successor the documents relating to the fishing vessel or its crew which are in his custody.	The master in person and the former master in person	None
5	The date on and place at which the official log book is opened.	The master	None
6	The date on and place at which the official log book is closed.	The master	None
7	The nature of the fishing to be undertaken on a voyage indicating the type of lines and nets to be used.	The master	None
8	A record of each occasion on which, in accordance with the Musters Rules, a muster is held on board the fishing vessel or on which the appliances and equipment required by the rules for life-saving appliances to be carried are examined to see whether they are fit and ready for use and of the result of any such examination.	The master	A member of the crew
9	Where a muster is not held on board the fishing vessel when required by the Musters Rules— a record of why the drill was not practised.	The master	A member of the crew
10	Where any of the following casualties has occurred— (a) the loss or presumed loss, stranding, grounding, abandonment of or damage to the fishing vessel; or (b) a loss of life caused by fire on board or by any accident to the fishing vessel or a ship's boat, or by any accident occurring on board the fishing vessel or a ship's boat; or (c) any damage caused by the fishing vessel— a description of the casualty and the place where, or the position of the fishing vessel when it occurred.	The master	A member of the crew
11	A record of every signal of distress or a message that a vessel, aircraft, or person is in distress at sea, observed or received.	The master	A member of the crew

	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
12	<p>Where the master, on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress (in accordance with section 22(1) of the Act of 1949 which relates to a master's obligation to assist vessels etc. in distress)—</p> <p>a statement of his reasons for not going to the assistance of those persons.</p>	The master in person	A member of the crew
13	<p>Where a dispute relating to the amount payable to a seaman under a crew agreement is submitted to a superintendent or proper officer under section 10 of the Act of 1970—</p> <p>(a) a statement of the dispute;  (b) the identity of the superintendent or proper officer;  (c) a statement whether he accepts the submission; and  (d) if he accepts the submission, either—  (i) a record of his decision; or  (ii) a statement that he is of the opinion that the dispute ought not to be decided by him.</p>	The superintendent or proper officer	None
14	<p>A record of—</p> <p>(a) every seaman discharged from the fishing vessel; and  (b) the place, date and time of his discharge.</p>	The person in whose presence the seaman is discharged or, (if the seaman is not present at the time he is discharged) the master	A member of the crew
15	<p>Where a proper officer consents to the discharge of a seaman outside the United Kingdom—</p> <p>a record of his consent.</p>	The proper officer (if practicable) or the master in person	If the entry is signed by the master, a member of the crew
16	<p>Where a seaman is left behind in any country outside the United Kingdom or is taken to such a country on being shipwrecked or a person who became employed in the fishing vessel under an agreement entered into outside the United Kingdom is left behind in the United Kingdom or is taken to the United Kingdom on being shipwrecked—</p> <p>a record of—</p> <p>(a) the name of the seaman;  (b) the date on which and the place at which the seaman was left behind;  (c) the reason, if known to the master, for the seaman being left behind;</p>	The master	A member of the crew

	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
	<p>(d) any provision made by the master on the seaman's employer's behalf to ensure that a superintendent or proper officer is informed that the seaman has been left behind and is given the information referred to in regulation 5(1) of the Repatriation Regulations identifying the superintendent or proper officer;</p> <p>(e) the seaman's employer being informed that the seaman has been left behind and of the employer being given any particulars required by him.</p>		
17	<p>In respect of a seaman referred to in an entry made pursuant to paragraph 16(a) of this Schedule—</p> <p>a record of—</p> <p>(a) whether he left any property (including money) on board the fishing vessel;</p> <p>(b) all such property of which the master has taken charge in pursuance of regulation 19(3)(a) of the Repatriation Regulations, specifying each item of such property;</p> <p>(c) each article forming part of such property sold in pursuance of regulation 19(4)(a) of the Repatriation Regulations, and the price received for it;</p> <p>(d) each article forming part of such property destroyed or disposed of in pursuance of regulation 19(4)(b) of the Repatriation Regulations and the name of the person to whom disposal was made; and</p> <p>(e) each article forming part of such property delivered to any person in pursuance of paragraph (5) or (6) of regulation 19 of the Repatriation Regulations specifying the person (whether the seaman, his employer or his next of kin) to whom delivery was made and the date, place and manner of delivery.</p>	The master	A member of the crew
18	A record of any inspection of provisions and water to be supplied to seamen employed in the fishing vessel with the result of the inspection.	The person making the inspection	None
19	A record of any inspection by a person appointed by the Secretary of State of any anchors and chain cables (as defined in section 1(7) of the Anchors and Chain Cables Act 1967(a)) on board the fishing vessel as part of its equipment and the findings of that person.	The person making the inspection	None
20	<p>Where three or more seamen employed in the fishing vessel complain to the master under section 22 of the Act of 1970 (which relates to complaints about provisions and water) about the provisions or water provided for the seamen employed in the fishing vessel—</p> <p>a record of—</p>		



	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
	<p>(a) the names of the seamen making the complaint;</p> <p>(b) the complaint, specifying—</p> <p>(i) the provisions or the water complained of; and</p> <p>(ii) the manner in which they are alleged not to be in accordance with regulations made under section 21 of the Act of 1970 (a) (whether because of bad quality, unfitness for use or deficiency in quantity);</p> <p>(c) action taken by the master on the complaint;</p> <p>(d) whether the seamen state to the master their dissatisfaction with the action taken by the master on the complaint and whether they claim to complain to a superintendent or proper officer;</p> <p>(e) if the seamen claim to complain to a superintendent or proper officer, the arrangements made by the master to enable the seamen to do so;</p> <p>(f) the investigation of the complaint by a superintendent or proper officer; and</p> <p>(g) every examination of provisions and water made under section 22(3) of the Act of 1970.</p>	<p>The master (sub-paragraphs (a) to (e))</p> <p>The superintendent or proper officer investigating the complaint (sub-paragraph (f))</p> <p>The person making the inspection. (sub-paragraph (g))</p>	<p>One of the seamen making the complaint</p> <p>None</p> <p>None</p>
21	<p>Where a seaman employed in the fishing vessel complains to the master under section 23 of the Act of 1970 (which relates to complaints other than complaints about provisions and water) about the master or any other seaman employed in the fishing vessel or about the conditions on board the fishing vessel—</p> <p>a record of —</p> <p>(a) the name of the seaman making the complaint;</p> <p>(b) the complaint, specifying the person or matter complained of and the nature of the complaint;</p> <p>(c) action taken by the master on the complaint;</p> <p>(d) whether the seaman states his dissatisfaction with the action taken by the master on the complaint and whether, if the fishing vessel is outside the United Kingdom, he claims to complain to a proper officer;</p> <p>(e) if the seaman claims to complain to a proper officer, the arrangements made by the master to enable the seaman to do so; and</p> <p>(f) the investigation of the complaint by a proper officer.</p>	<p>The master (sub-paragraphs (a) to (e))</p> <p>The proper officer investigating the complaint (sub-paragraph (f))</p>	<p>The seaman making the complaint</p> <p>None</p>

(a) See S.I. 1972/1872 (1972 III, p. 5449).

	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
22	<p>Where by reason of any event it appears to the master that an officer—</p> <p>(a) may be unfit to discharge his duties, whether by reason of incompetence or misconduct or for any other reason; or</p> <p>(b) may have been seriously negligent in the discharge of his duties; or</p> <p>(c) may have failed to comply with the provisions of section 422 of the Act of 1894 (duty to give assistance and information after collision)—</p> <p>a record of—</p> <p>(i) the name of the officer and the grade and number of his certificate;</p> <p>(ii) any such event, or a reference to any other entry relating to it;</p> <p>(iii) any statement made by the officer to the master in respect of that event or those events and which the officer wishes to be recorded; and</p> <p>(iv) that the entries made in pursuance of subparagraphs (i) to (iii) of this paragraph have been read over to the officer by the master.</p>	The master in person	A member of the crew
23	Where a seaman is convicted by a legal tribunal of any offence committed in the fishing vessel during a voyage, a record of the conviction and the punishment inflicted.	The master	A member of the crew
24	<p>Where, in the opinion of the master, consideration should be given to the prosecution of any person in respect of any conduct on the fishing vessel during a voyage (whether under the Merchant Shipping Acts or otherwise)—</p> <p>a record —</p> <p>(a) of the event;</p> <p>(b) of the name of the person concerned;</p> <p>(c) of any statement made by the person concerned to the master in respect of that event which that person wishes to be recorded; and</p> <p>(d) that the entries made in pursuance of subparagraphs (a) to (c) of this paragraph have been read over by the master to the person concerned.</p>	The master	A member of the crew
25	<p>A record of any reduction in the scale of provisions or water to be provided for seamen employed in the fishing vessel specifying—</p> <p>(a) the reduction made;</p> <p>(b) the reason for the reduction; and</p> <p>(c) the duration of the reduction.</p>	The master	A member of the crew
26	<p>Where a child is born in the fishing vessel or in a ship's boat—</p> <p>a record of —</p> <p>(a) (i) date of the birth;</p>	The master in person	The mother of the child

	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
27	<p>(ii) if the birth takes place at sea, the position of the fishing vessel by latitude and longitude at the time of the birth and, in any other case, the place of birth;</p> <p>(iii) name (if any) and surname of child; and</p> <p>(iv) sex of child;</p> <p>(b) (i) name and surname of father;</p> <p>(ii) his usual residence;</p> <p>(iii) his nationality; and</p> <p>(iv) his occupation, rank or profession;</p> <p>provided that, if the child is illegitimate, no particulars of the father shall be entered except at the joint request of the mother and of the person acknowledging himself to be the father, given to the master in writing and signed by both the mother and that person;</p> <p>(c) (i) name and surname of mother;</p> <p>(ii) her maiden surname;</p> <p>(iii) her name at marriage, if different from maiden surname;</p> <p>(iv) her usual residence; and</p> <p>(v) her nationality; and</p> <p>(d) the making of a return of the birth, identifying the person to whom the return was made.</p> <p>Where any person dies in the fishing vessel or in a ship's boat or is lost from the fishing vessel or a ship's boat, or where any person employed in the fishing vessel dies outside the United Kingdom—</p> <p>a record of</p> <p>(a) the date of the death or loss;</p> <p>(b) (i) if the death takes place in the fishing vessel or in a ship's boat or if the deceased is lost from the fishing vessel or a ship's boat, the place of death or the position of the fishing vessel or of the ship's boat by latitude and longitude at the time of the death or loss (as the case may require);</p> <p>(ii) if the death or loss does not take place in or from the fishing vessel or in or from a ship's boat, the place of death;</p> <p>(c) name and surname of deceased;</p> <p>(d) sex of deceased;</p> <p>(e) date of birth (if known) or age;</p> <p>(f) if the deceased was a woman who has been married; her maiden surname (if known);</p> <p>(g) occupation, rank or profession of deceased;</p> <p>(h) usual residence of deceased at time of death or loss;</p> <p>(i) his nationality;</p> <p>(j) (i) cause of death or loss; and</p> <p>(ii) if death not due to natural causes, the circumstances of death or loss;</p> <p>(k) if the deceased was lost from the fishing vessel or a ship's boat, the steps taken to rescue him;</p> <p>(l) the making of a return of the death, identifying the person to whom the return was made; and</p> <p>(m) the notification of the death to the deceased's next of kin and the name and address of the next of kin.</p>	The master in person	A member of the crew

	Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witness
28	<p>In respect of a seaman dying while or after being employed in the fishing vessel— a record of—</p> <p>(a) whether he left any property (including money) on board the fishing vessel; (b) all such property of which the master has taken charge in pursuance of regulation 2(2)(a) of the Property Regulations, specifying each item of such property; (c) each item forming part of such property sold in pursuance of regulation 2(3)(a) of the Property Regulations; and the price received for it; (d) each article forming part of such property destroyed or disposed of in pursuance of regulation 2(3)(b) of the Property Regulations, and the name of the person to whom disposal was made; (e) each article forming part of such property delivered to any person in pursuance of regulation 2(4) of the Property Regulations, specifying the superintendent or proper officer to whom delivery was made and the date, place and manner of delivery.</p>	The master in person	A member of the crew
29	<p>Where an inquiry into the cause of a death is required to be held under section 61 of the Act of 1970— a record—</p> <p>(a) of the name of the deceased and a reference to the relevant entry made under paragraph 27 of this Schedule; (b) of either— (i) the name of the superintendent or proper officer holding the inquiry and the date and the place at which the inquiry is held; or (ii) that the inquiry was not held at the next port where the fishing vessel calls after the death and where there is a superintendent or proper officer.</p>	<p>The superintendent or proper officer holding the inquiry (sub-paragraphs (a) and (b)(i))</p> <p>The master (sub-paragraph (b)(ii))</p>	<p>None</p> <p>None</p>
30	<p>Where a person employed in the fishing vessel falls ill or is injured— a record of—</p> <p>(a) the circumstances of the injury and of the nature of the illness or injury or the symptoms thereof; (b) the treatment adopted; and (c) the progress of the illness or injury.</p>	The master	A member of the crew.
31	<p>Where an inquiry is held under section 386 of the Act of 1894 into any occurrence— a record of—</p> <p>(a) the identity of the superintendent holding the inquiry; (b) the date on and the place at which the inquiry is held; and (c) a reference to any entry made under paragraph 10 or paragraph 30 of this Schedule relating to the occurrence.</p>	The superintendent holding the inquiry	None

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations which apply only to fishing vessels, provide for exemption from the requirement of section 68 of the Merchant Shipping Act 1970 that an official log book in a form approved by the Secretary of State shall be kept in every ship registered in the United Kingdom. They also prescribe the particulars to be entered in official log books and make provisions about the making, signing, witnessing, amendment and cancellation of entries and the production and delivery of official log books.

These Regulations supersede existing provisions.

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