

1976 No. 2205

MERCHANT SHIPPING

**The Merchant Shipping (Fees) (No. 2) (Amendment)
Regulations 1976**

<i>Made - - - -</i>	<i>22nd December 1976</i>
<i>Laid before Parliament</i>	<i>23rd December 1976</i>
<i>Coming into Operation</i>	<i>17th January 1977</i>

The Secretary of State, with the consent of the Treasury and in exercise of powers conferred by section 84 of the Merchant Shipping Act 1970(a) and section 6 of the Fishing Vessels (Safety Provisions) Act 1970(b) and now vested in him(c), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Merchant Shipping (Fees) (No. 2) (Amendment) Regulations 1976 and shall come into operation on 17th January 1977.
2. Nothing in these Regulations shall apply to any service started before 17th January 1977.
3. The Schedule to the Merchant Shipping (Fees) (No. 2) Regulations 1976(d) (hereinafter referred to as “the Schedule”) shall be amended in accordance with regulations 4, 5 and 6 below.
4. After Part VI (Crew Accommodation) of the Schedule, there shall be inserted the following Part:

“PART VIA: CREW ACCOMMODATION—FISHING VESSELS*Fees for the Inspection of Crew Accommodation in Fishing Vessels*

1. The fees prescribed in this Part are payable under section 84 of the Act of 1970.

2. In this Part—

“length” means the length measured from the fore part of the stem on the line of the forecastle deck to the after side of the head of the stern post, or, if there is no stern post, to the foreside of the rudder stock at the point where the rudder stock passes out of the hull;

“the Regulations” means the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975(e) and references to specific regulations shall be construed accordingly;

“sister fishing vessel” means a fishing vessel—

(a) 1970 c. 36. (b) 1970 c. 27. (c) See S.I. 1970/1537 (1970 III, p. 5293).
(d) S.I. 1976/1098 (1976 II, p. 2922). (e) S.I. 1975/2220 (1975 III, p. 8336).

- (1) the crew accommodation in which corresponds—in particular with respect to the overall size, location and disposition thereof and the arrangements for heating, lighting, ventilation, water services, deck sheathings and insulations—with that in a fishing vessel inspected under section 76(1) of the Act of 1970, or which will have been so inspected, prior to the inspection under that section of the sister fishing vessel; and
- (2) as to which, prior to the inspection, application is made in writing by or on behalf of the owner for the fishing vessel to be treated as a sister fishing vessel, accompanied by a declaration that it complies with the foregoing requirement.

3.	<i>Service</i>	<i>Fee</i>
	(1) Inspection of crew accommodation in a fishing vessel, on the application of the owner, under section 76(1) of the Act of 1970 on first registry or re-registry in the United Kingdom—	
	(a) in the case of a fishing vessel, other than a sister fishing vessel, where the length of the vessel:	
	is 24.4 metres or more but does not exceed 25 metres	£97.00
	exceeds 25 metres but does not exceed 45 metres	£102.00
		plus £10.25 for each metre or part thereof by which the length of the vessel exceeds 25 metres.
	exceeds 45 metres but does not exceed 75 metres	£307.00
		plus £8.55 for each metre or part thereof by which the length of the vessel exceeds 45 metres.
	exceeds 75 metres	£564.00
	(b) in the case of a sister fishing vessel, where the length of the vessel:	
	is 24.4 metres or more but does not exceed 25 metres	£56.00
	exceeds 25 metres but does not exceed 45 metres	£61.00
		plus £7.70 for each metre or part thereof by which the length of the vessel exceeds 25 metres.

<i>Service</i>	<i>Fee</i>
exceeds 45 metres but does not exceed 75 metres	£215.00 plus £6.15 for each metre or part thereof by which the length of the vessel exceeds 45 metres.
exceeds 75 metres	£400.00

(2) Inspection of crew accommodation in a fishing vessel, on the application of the owner, under section 76(1) of the Act of 1970—

- | | |
|--|--------|
| (a) for each visit made to a vessel consequent upon alterations or repairs to any part of the crew accommodation, other than a visit described in (b) below | £51.00 |
| (b) for each visit made to a vessel concurrent with tonnage measurement in relation to registry under Part I of the principal Act carried out consequent upon alterations or repairs to any part of the crew accommodation | £30.50 |

Provided that in neither (a) nor (b) above shall the total fee exceed half of the appropriate fee under sub-paragraph (1)(a) above.

(3) Inspection of crew accommodation in a fishing vessel under section 76(1) of the Act of 1970—

- (a) on the application of the owner (not being a case to which sub-paragraph (1) above applies) or on the application of any organisation which appears to the Department of Trade to be representative of the owners of British fishing vessels or the fishermen concerned (other than upon a complaint by the crew), or
- (b) on the application of the owner consequent upon an increase in the number of persons accommodated in any sleeping room above that marked in accordance with Regulation 19(1) of the Regulations or
- (c) otherwise than on the application of the owner, where the vessel is found not to be complying with the provisions of the Regulations or any condition subject to which the

<i>Service</i>	<i>Fee</i>
<p>vessel has been exempted from a requirement of the Regulations:</p> <p style="padding-left: 40px;">for each visit made to the vessel ..</p>	<p style="text-align: right;">£51.00</p> <p>subject to a maximum not exceeding the appropriate fee under sub-paragraph (1)(a) above.</p>

(4) Where a service described in sub-paragraphs (1) to (3) above is carried out at a port outside the United Kingdom by a ship surveyor not employed by the Department of Trade but specially appointed for the purpose under the Merchant Shipping Acts, the fee payable to the Department of Trade shall be

Two-thirds of the appropriate fee under (1) to (3) above. (The fee in each case is in addition to the fee payable for the service to the specially appointed surveyor or his employer)".

5. In paragraph 2 of Part VIII (Fishing Vessels) of the Schedule, for sub-paragraph (f) there shall be substituted:

"(f) 'Category B vessel' means a fishing vessel which, at a time when a survey or periodical inspection of the vessel is carried out by a surveyor appointed by the Secretary of State, is surveyed or inspected in order to ascertain whether the vessel complies with such requirements of Rules 2 to 14 inclusive and 17 to 54 inclusive of the Rules as apply to it—

- (i) by a person appointed by Lloyd's Register of Shipping; or
- (ii) (aa) by an officer authorised by the White Fish Authority under section 13(1) of the Sea Fish Industry Act 1970(a) or
- (bb) by a person authorised by the White Fish Authority or the Herring Industry Board under a scheme made under that Act, or
- (cc) by a person authorised by the Department of Agriculture for Northern Ireland under a scheme made under section 1 of the Fishing Vessels (Grants) Act (Northern Ireland) 1967(b), or under section 5 of the Development Loans (Agriculture and Fisheries) Act (Northern Ireland) 1968(c);".

6. After Part XIII (Wreck) of the Schedule, there shall be inserted the following Part:

(a) 1970 c. 11.

(b) 1967 N.I. c. 8.

(c) 1968 N.I. c. 21.

“PART XIV: INSPECTION OF SHIPS’ PROVISIONS

Fees for the Inspection of Provisions and Water in Ships and Fishing Vessels and on Premises

1. The fees prescribed in this Part are payable under section 84 of the Act of 1970.

2. In this Part, ‘the Regulations’ means the Merchant Shipping (Provisions and Water) Regulations 1972(a), as amended(c), and the Merchant Shipping (Provisions and Water) (Fishing Vessels) Regulations 1972(b), as amended(c).

3.	<i>Service</i>	<i>Fee</i>
----	----------------	------------

(1) Inspection of provisions and water in a ship or fishing vessel under section 76(1) of the Act of 1970—

(a) on the application of the owner for the purpose of seeing that the provisions and water provided are in accordance with the Regulations or

(b) otherwise than on the application of the owner, where the provisions and water provided are found not to be in accordance with the Regulations or

(c) where a complaint has been made by the crew under section 22 of the Act of 1970 to a superintendent or proper officer:

for each visit made to the ship or fishing vessel

the fee will be determined by the amount of work involved charged at an hourly rate of £7.90.

Provided that no fee shall be payable under (c) above if, upon inspection, the provisions and water provided are found to comply with the Regulations.

(2) Inspection on premises under section 76(3) of the Act of 1970 of provisions and water intended for supply to a ship or fishing vessel, where the provisions and water are found not to be in accordance with the Regulations:

for each visit made to the premises

the fee will be determined by the amount of work involved charged at an hourly rate of £7.90.”.

(a) S.I. 1972/1871 (1972 III, p. 5439).
(c) S.I. 1975/733 (1975 II, p. 2677).

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

We consent to the making of these Regulations.

22nd December 1976.

David Stoddart,
T. E. Graham,
Two of the Lords Commissioners
of Her Majesty's Treasury.

22nd December 1976.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Merchant Shipping (Fees) (No. 2) Regulations 1976. They prescribe fees—

- (a) for the inspection of crew accommodation in fishing vessels, consequent upon the introduction of requirements relating to such accommodation in the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations 1975; and
- (b) for the inspection of provisions and water required to be provided under the Merchant Shipping (Provisions and Water) Regulations 1972 and the Merchant Shipping (Provisions and Water) (Fishing Vessels) Regulations 1972.

The Regulations also make clarificatory amendments (in regulation 5) to Part VIII of the Schedule to the above-mentioned Regulations of 1976, without effecting a change of substance.

SI 1976/2205
ISBN 0-11-062205-7



780110 622057