
STATUTORY INSTRUMENTS

1997 No. 2962

**The Merchant Shipping and Fishing Vessels
(Health and Safety at Work) Regulations 1997**

Part I

Citation, commencement and revocations

1.—(1) These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 and shall come into force on 31 March 1998.

(2) The following Regulations are hereby revoked—

- (i) The Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982(1);
- (ii) The Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) Regulations 1984(2);
- (iii) The Merchant Shipping (Health and Safety: General Duties) Regulations 1984(3);
- (iv) The Merchant Shipping (Health and Safety: General Duties) (Amendment) Regulations 1988(4);
- (v) The Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) Regulations 1994(5);

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires, any reference to—

- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and
- (b) a numbered paragraph or subparagraph is a reference to the paragraph or, as the case may be, subparagraph bearing that number in the regulation in which the reference appears.

(2) In these Regulations, except where the context otherwise requires—

- “the Act” means the Merchant Shipping Act 1995;
- “the 1996 Act” means the Employment Rights Act 1996(6);
- “the Code” means the Code of Safe Working Practices for Merchant Seamen(7);

(1) S.I. 1982/876.
(2) S.I. 1984/93.
(3) S.I. 1984/408.
(4) S.I. 1988/1396.
(5) S.I. 1994/2014.
(6) 1996 c. 19.
(7) Published by Her Majesty’s Stationery Office in 1991; ISBN No. 0-11-551048-6.

“Company”, in relation to a ship to which these Regulations apply, means the owner of the ship or any other organisation or person such as the manager, or bareboat charterer, who has assumed the responsibility for operation of the ship from the owner;

“competent person” means a person who has sufficient training and experience or knowledge and other qualities, to enable him properly to undertake the duty imposed under the relevant provision in these Regulations, and in the case of a safety officer, has in addition a minimum of two years consecutive sea service since attaining the age of 18, which, in the case of a safety officer on board a tanker, shall include at least six months service in such a ship;

“contract of employment” means a contract of employment, whether express or implied, and if express, whether oral or in writing;

“elected representative” means any person elected to represent a group of workers for the purposes of consultation with the employer on health and safety matters under regulation 20;

“employer” means a person by whom a worker is employed under a contract of employment;

“given birth” means delivered a living child or, after twenty-four weeks of pregnancy, a stillborn child;

“health and safety” includes the occupational health and safety of persons whilst on board the ship and whilst boarding or leaving the ship;

“master” includes the skipper of a fishing vessel;

“Merchant Shipping Notice” means a Notice described as such and issued by the Marine Safety Agency, an executive agency of the Department of the Environment, Transport and the Regions;

“new or expectant mother” means a worker who is either pregnant, or has given birth within the previous six months, or is breast-feeding;

“public service vessel” means any vessel operated by and on behalf of a public body while it is carrying out the authorised functions of that body;

“relevant inspector” means a person mentioned in paragraphs (a), (b) or (c) of section 258(1) of the Act;

“sail training vessel” means a sailing vessel which is being used either—

- (a) to provide instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour and to advance education in the art of seamanship; or
- (b) to provide instruction in navigation and seamanship for yachtsmen;

“sea-going” means operating outside Category A—D waters as defined in Merchant Shipping Notice No. M1504(8);

“trainees and apprentices” does not include persons who are training in a sail training vessel;

“United Kingdom ship” means a ship which—

- (a) is a United Kingdom ship within the meaning of section 85(2) of the Act; or
- (b) is a Government ship within the meaning of section 308(4) of the Act; or
- (c) is a hovercraft registered under the Hovercraft Act 1968(9);

“worker” means any person employed by an employer under a contract of employment, including trainees or apprentices.

(8) Dd 8114144 9,150 10/92 (205757) amended by Merchant Shipping Notice No. M1569 Dd 8114144 9,150 6/96 Ed (032195).
(9) 1968 c. 59.

(3) Subject to paragraph (2), words and expressions used in the Regulations shall have the same meaning as in Council Directive [89/391/EEC](#) of 12 June 1989 on the introduction of measures to encourage improvements in the health and safety of workers at work⁽¹⁰⁾.

Application

3.—(1) These Regulations shall apply to all activities of workers on United Kingdom ships except when—

(a) the activity of a worker is on a public service vessel or a vessel engaged in search and rescue; and

(b) characteristics of that activity inevitably conflict with a provision of these Regulations, and in such a case there shall be a duty on the employer so far as is reasonably practicable to ensure the health and safety of the worker when performing that activity.

(2) Regulations 1, 2, 3, 28, 29 and 30 shall apply to ships other than United Kingdom ships which are in United Kingdom waters.

(3) These Regulations shall not apply to or in relation to the activities of a worker which are covered by the Management of Health and Safety at Work Regulations 1992⁽¹¹⁾.

⁽¹⁰⁾ O.J. L183, 29.6.89, p. 1.

⁽¹¹⁾ [S.I. 1992/2051](#) as amended by [S.I. 1994/2865](#).