
STATUTORY INSTRUMENTS

1999 No. 3210

**The Merchant Shipping (Radio)
(Fishing Vessels) Regulations 1999**

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999 and shall come into force on 1st January 2000.

Revocations and amendment of Rules and Regulations

2.—(1) Except in relation to non-Directive fishing vessels which are registered in the United Kingdom, the following Rules are hereby revoked:

The Merchant Shipping (Radio) (Fishing Vessels) Rules 1974(1);

The Merchant Shipping (Radio) (Fishing Vessels) (Amendment) Rules 1982(2); and

The Merchant Shipping (Radio) (Fishing Vessels) (Amendment) Rules 1994(3).

(2) The Fishing Vessels (Safety Provisions) Rules 1975(4) shall be amended by substituting for Rule 125A the following:

“Radio Surveys

125A. A surveyor appointed in accordance with rule 125C shall carry out a survey (a “radio survey”) to ascertain whether the vessel complies with such of the following requirements as apply to it, viz:

Rules 78(3)(a) and 79(b) of these Rules;

the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999(5).”

(3) The Fishing Vessels (Life-Saving Appliances) Regulations 1988(6) shall be amended by omitting:

(a) in regulation 2(1) the following definitions:

“EPIRB”;

“expiry date”;

(b) regulation 3; and

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- (1) S.I. 1974/1919, amended by S.I. 1982/1292 and 1994/1104.
(2) S.I. 1982/1292.
(3) S.I. 1994/1104.
(4) S.I. 1975/330; relevant amendments are S.I. 1991/1342, 1996/2419 and 1999/2998.
(5) S.I. 1999/XXXX.
(6) S.I. 1988/38, amended by S.I. 1998/927 and 1999/2998.

- (c) in regulation 8(1) “3,”.
- (4) The Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999(7) shall be amended as follows:
- (a) in regulation 2, after the definition of “operating” there shall be inserted:
 ““Radio Regulations” means the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999;”;
- (b) in regulation 11(2), for “Regulation II(3)(a) or (b)” there shall be substituted “Regulation 11(5)(a) or (b) of Chapter I”;
- (c) at the end of regulation 14, there shall be added:
 “(3) If the owner or skipper of a fishing vessel fails without reasonable excuse to comply with a requirement made under regulation 11(2) above, he shall be liable on summary conviction to a fine of an amount not exceeding level 2 on the standard scale.
 (4) Any contravention of regulation 11(3) above shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years and a fine.”;
- (d) in Schedule 3, for the heading there shall be substituted:

*“MODIFICATIONS OF THE PROVISIONS OF THE
ANNEX TO THE TORREMOLINOS PROTOCOL*

PART I

Modifications introduced by Annexes I to IV to the Council Directive”; and

- (e) in Schedule 3, after paragraph 42 there shall be added:

“PART II

Other modifications

CHAPTER I—GENERAL PROVISIONS

1. In Regulation 6(1)(b)(iii), for “Chapters VII, IX and X” there shall be substituted “Chapters VII and X and in the Radio Regulations”.

**CHAPTER IV—MACHINERY AND ELECTRICAL INSTALLATIONS
AND PERIODICALLY UNATTENDED MACHINERY SPACES**

2. In Regulation 17(2), for sub-paragraph (a) there shall be substituted:
- “(a) the VHF radio installation required by regulation 10(a) and (b) of the Radio Regulations, and if applicable:
- (i) the MF radio installation required by regulation 12(1)(a) and (b) and regulation 13(1) paragraphs (b) and (c) of ALTERNATIVE A of the Radio Regulations;
- (ii) the ship earth station required by regulation 13(1) paragraph (a) of ALTERNATIVE A of the Radio Regulations; and

- (iii) the MF/HF radio installation required by regulation 13(1) paragraphs (a) and (b) of ALTERNATIVE B and regulation 14 of the Radio Regulations;”.

CHAPTER VII—LIFE-SAVING APPLIANCES AND ARRANGEMENTS

3. In the footnote reference “••” to Regulation 14(1), for “Regulation IX/6(1)(c)” there shall be substituted “regulation 10(c) of the Radio Regulations”.

Interpretation

- 3.—(1) In these Regulations:

“Admiralty List of Radio Signals” means the document so entitled published by the Hydrographer of the Navy and any subsequent List containing the like information which the Hydrographer of the Navy considers relevant from time to time which replaces the Admiralty List of Radio Signals or replaces any subsequent List containing the like information; and a reference to any such List includes a reference to any Admiralty Notice to Mariners amending the same which the Hydrographer of the Navy considers relevant from time to time;

“Admiralty Notice to Mariners” means a notice described as such published by the Hydrographer of the Navy;

“area A1 vessel” means a vessel which goes to sea in sea area A1 only;

“area A2 vessel” means a vessel which goes to sea in sea area A2 only, or in sea areas A1 and A2;

“area A3 vessel” means a vessel which goes to sea in sea area A3 only, or in sea area A3 and also in sea area A1 or A2 or both those sea areas;

“area A4 vessel” means a vessel which goes to sea in sea area A4 only, or in sea area A4 and also in one or more of sea areas A1, A2 and A3;

“continuous listening watch” means a radio watch which is not interrupted other than for brief intervals when the ship’s receiving capability is impaired or blocked by its own communications or when the facilities are under periodical maintenance or checks;

“Cospas-Sarsat satellite service” means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

“the Council Directive” means Council Directive [97/70/EC](#)(8) setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;

“Directive fishing vessel” means a new fishing vessel of 24 metres or more in length, and an existing fishing vessel of 45 metres or more in length;

“DSC” means Digital Selective Calling being a technique using digital codes which enables a radio station to establish contact with, and transfer information to, another station or group of stations, and complying with the relevant recommendations as specified in a Merchant Shipping Notice;

“DSC watch” means listening for an audible alarm from a vessel’s DSC equipment on VHF (channel 70), MF (2,187.5 kHz) or HF (8,414.5 kHz);

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(9) as adjusted by the Protocol signed at Brussels on 17th March 1993(10);

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

(8) O.J. L34, 9.2.1998, p. 1, as amended by Commission Directive [1999/19/EC](#) (O.J. L83, 27.3.99, p. 48).

(9) Cmnd. 2073.

(10) Cmnd. 2183.

“EPIRB” means an emergency position indicating radio beacon capable of transmitting a distress alert either through the Cospas-Sarsat satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 MHz band;

“exclusive economic zone” means the area beyond and adjacent to the territorial sea not extending beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

“existing fishing vessel” means a fishing vessel which is not a new fishing vessel;

“general radio communications” means operational and public correspondence traffic, other than distress, urgency and safety messages, conducted by radio;

“GMDSS” means the Global Maritime Distress and Safety System;

“HF” means the frequency spectrum between 3000 kHz and 30 MHz

“Hydrographer of the Navy” means the person for the time being appointed to that office by the Admiralty Board;

“INMARSAT” means the Organisation established by the Convention on the International Maritime Satellite Organisation adopted on 3rd September 1976;

“INMARSAT—C” means an INMARSAT ship earth station capable of transmitting and receiving direct printing communications with enhanced group calling equipment for use in the GMDSS;

“INMARSAT enhanced group calling system” means the SafetyNET service by which INMARSAT distributes meteorological, navigational and search and rescue messages to vessels fitted with an enhanced group calling system receiver;

“INMARSAT geostationary satellite service” means the mobile satellite service provided by INMARSAT through its geostationary satellites;

“INMARSAT ship earth station” means a terminal in the mobile-satellite service located on board a vessel which is not permanently moored;

“International NAVTEX Service” means the co-ordinated broadcast and automatic reception on the frequency 518 kHz of maritime safety information by means of narrow-band direct-printing telegraphy using the English language;

“ITC Radio Regulations” means the Radio Regulations annexed to the most recent International Telecommunication Convention which is in force at any time;

“length” means, unless provided otherwise, 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;

“Merchant Shipping Notice” means a Notice described as such and issued by the MCA, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending that Notice;

“MF” means the frequency spectrum between 300 and 3000 kHz;

“MF coast station” means a radio communication service located on the coast offering services in the medium frequency (300–3000kHz);

“mobile-satellite service” means a radio communication service between—

- (a) Mobile earth stations and one or more space stations, or between space stations used by this service; or
- (b) mobile earth stations by means of one or more space stations,

and this service may also include feeder links necessary for its operation;

“new fishing vessel” means a fishing vessel for which:

- (a) on or after 1st January 1999 the building or major conversion contract is placed;
- (b) the building or major conversion contract has been placed before 1st January 1999, and which is delivered three years or more after that date; or
- (c) in the absence of a building contract, on or after 1st January 1999:
 - the keel is laid,
 - construction identifiable with a specific ship begins, or
 - assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

“non-Directive fishing vessel” means a new fishing vessel of 12 metres or more but less than 24 metres in length, and an existing fishing vessel of 12 metres or more but less than 45 metres in length;

“Organization” means the International Maritime Organization;

“radio communication” means telecommunication by means of radio waves;

“radio communication service” means a service as defined in the ITC Radio Regulations involving the transmission, emission and/or reception of radio waves for specific telecommunication purposes;

“radio installation” means any radio installation provided on board a ship in compliance with these Regulations, including its associated antennas, interconnecting circuits and, where appropriate, sources of electrical energy;

“renewal survey” means a survey required to be undertaken in accordance with Rule 124 of the Fishing Vessels (Safety Provisions) Rules 1975 before a further United Kingdom fishing vessel certificate may be issued under Rule 128 of those Rules;

“satellite EPIRB” means an EPIRB which is in the mobile-satellite service;

“sea area A1” means an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

“sea area A2” means an area, excluding sea area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

“sea area A3” means an area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

“sea area A4” means any area of the sea which is not sea area A1, A2 or A3;

“Torremolinos Protocol” means the Torremolinos Protocol⁽¹¹⁾ relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977⁽¹²⁾, together with the amendments thereto;

“VHF” means the frequency spectrum between 30 MHz and 300 MHz.

(2) For the purposes of these Regulations, a fishing vessel shall be treated as being at sea at any time when it is not securely moored in a safe berth.

(11) Cmnd. 3339.

(12) Cmnd. 7252.

(3) For the purposes of regulations 21 and 30, “operates” means, in relation to a fishing vessel, catches or catches and processes fish or other living resources of the sea without prejudice to the right of innocent passage in the territorial sea and the freedom of navigation in the exclusive economic zone; and “operating”, in relation to a fishing vessel, shall be construed accordingly.

Purpose

4. The purpose of these Regulations (except Part III) is to implement the Council Directive.

Application

5.—(1) Regulations 7 to 9 and Part II apply to Directive fishing vessels which are registered in the United Kingdom.

(2) Regulations 7 to 9 and, subject to paragraphs (3) and (4), Part III apply to non-Directive fishing vessels which are registered in the United Kingdom.

(3) Before the date referred to in paragraph (4), non-Directive fishing vessels which are registered in the United Kingdom may, instead of complying with the requirements of Part III of these Regulations, comply with the provisions contained in Parts II and III of the Merchant Shipping (Radio) (Fishing Vessels) Rules 1974.

(4) The date for the purposes of paragraph (3) is the earlier of the following two dates:

- (a) the date after 29th February 2000 on which the fishing vessel’s next renewal survey falls due, or
- (b) the date on which the period of 27 months expires after the fishing vessel’s last renewal survey prior to 1st March 2000.

(5) Part IV applies to fishing vessels of 12 metres or more in length which are registered in the United Kingdom.

(6) Part V applies to Directive fishing vessels which are not registered in the United Kingdom.

Equivalent and exemptions

6.—(1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a fishing vessel, or that any particular provision shall be made, the Secretary of State may permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried, or any other provision to be made in that fishing vessel if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Regulations.

(2) For the purpose of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out—

- (a) in accordance with these Regulations or with a Standard, Code of Practice, specification or technical description of an EEA State other than the United Kingdom offering equivalent levels of safety, suitability and fitness for the purpose; and
- (b) by a body or laboratory of an EEA State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.

(3) The Secretary of State may exempt any individual fishing vessel or class of fishing vessel from any of the provisions of Part III of these Regulations, on such terms as he may specify, and may, subject to giving reasonable notice, alter or cancel any such exemption.

Performance standards

7.—(1) Subject to paragraph (3), equipment required to be provided under these Regulations shall—

- (a) in the case of Directive fishing vessels, conform to the performance standards adopted by the Organization and specified in Merchant Shipping Notice No. MSN 1728(F) as having been so adopted;
- (b) in the case of non-Directive fishing vessels, conform to performance standards for such fishing vessels specified in Merchant Shipping Notice No. MSN 1728(F); and
- (c) in either case, be of a type approved by the Secretary of State and specified in a Merchant Shipping Notice;

and those standards shall include any amendment thereto which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice.

(2) Any approval given pursuant to this regulation—

- (a) shall be given in writing,
- (b) shall specify the date on which it takes effect and the conditions (if any) on which it is given, and
- (c) may, on the giving of reasonable notice, be cancelled or altered.

Functional requirements

8. Every fishing vessel, while at sea, shall be capable of—

- (a) transmitting ship-to-shore distress alerts by at least two separate and independent means, using a different radio communication service, other than by the means provided for in regulations 11(1)(a) and 13(1) paragraph (d)(iii) of Alternative A;
- (b) receiving shore-to-ship distress alerts;
- (c) transmitting and receiving ship-to-shore distress alerts;
- (d) transmitting and receiving search and rescue co-ordinating communications;
- (e) transmitting and receiving on-scene communications;
- (f) transmitting and receiving signals for locating;
- (g) transmitting and receiving maritime safety information;
- (h) transmitting and receiving general radio communications to and from shore-based radio systems or networks; and
- (i) transmitting and receiving bridge-to-bridge communications.

Installation, location and control of radio equipment

9.—(1) Every radio installation shall—

- (a) be so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;
- (b) be so located as to ensure the greatest possible degree of safety and operational availability;
- (c) be protected against harmful effects of water, extremes of temperature and other adverse environmental conditions;
- (d) be provided with reliable, permanently arranged electrical lighting, independent of the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and

- (e) be clearly marked with the call sign, the ship station identity and other codes as applicable for the use of the radio installation.