
STATUTORY INSTRUMENTS

2003 No. 1112

The Fishing Vessels (EC Directive on Harmonised Safety Regime) (Amendment) Regulations 2003

Citation and commencement

1. These Regulations may be cited as the Fishing Vessels (EC Directive on Harmonised Safety Regime) (Amendment) Regulations 2003 and shall come into force on 7th May 2003.

Interpretation

2. In these Regulations—

“1999 Regulations” means the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999(1); and

“2002 Commission Directive” means Commission Directive 2002/35/EC(2) of 25th April 2002 amending Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over.

Purpose

3. The purpose of these Regulations is to implement the 2002 Commission Directive.

Amendment of the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999

4. The 1999 Regulations shall be amended as follows.

5. In Regulation 2—

(a) after the definition of “1988 Regulations” insert—

“1994 Council Directive” means Council Directive 94/57/EC(3) of 22nd November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations;

“1995 Act” means the Merchant Shipping Act 1995;

“1997 Council Directive” means Council Directive 97/70/EC(4) setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;

“1999 Regulations” means the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999(5);

(1) S.I. 1999/2998, amended by S.I. 1999/3210.

(2) OJ L 112, 27.4.2002, p. 21.

(3) OJ L 319, 12.12.1994, p. 20.

(4) OJ L34, 9.2.98, p. 1, amended by Commission Directive 1999/19/EC (OJ L83, 27.3.99, p. 48) which is not relevant to these Regulations.

(5) S.I. 1999/2998, amended by S.I. 1999/3210.

“2002 Commission Directive” means Commission Directive [2002/35/EC](#)(6) of 25th April 2002 amending Council Directive [97/70/EC](#) setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;”;

- (b) omit the definition of “Council Directive”;
- (c) in the definition of “existing fishing vessel”, for “new fishing vessel” substitute “new (1999) or new (2003) fishing vessel”;
- (d) after the definition of “heavy drift ice” insert—
 - ““IMO” means the International Maritime Organization;”;
- (e) in the definition of “MCA”, for “Department of the Environment, Transport and the Regions” substitute “Department for Transport”;
- (f) for the definition of “new fishing vessel”, substitute—
 - ““new (1999) fishing vessel” means a fishing vessel for which:
 - (a) on or after 1st January 1999 but before 1st January 2003 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 but before 1st January 2003:
 - 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;
 - “new (2003) fishing vessel” means a fishing vessel for which:
 - (a) on or after 1st January 2003 the building or major conversion contract is placed;
 - (b) the building or major conversion contract has been placed on or after 1st January 1999 but before 1st January 2003, and which is delivered three years or more after 1st January 2003; or
 - (c) in the absence of a building contract, on or after 1st January 2003:
 - 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.”;
- (g) after the definition of “Radio Regulations” insert—
 - ““recognised organisation” means an organisation authorised by written agreement with the MCA pursuant to Articles 3.2, 5 and 6 of the 1994 Council Directive to perform duties referred to in Article 3.2(i) and (ii), and which is accordingly a recognised organisation for the purposes of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996(7);
 - “relevant ISO standards” means standards of the International Organization for Standardization which—
 - (a) relate to the matter in question and to all or any of the purposes set out in section 85(1) of the 1995 Act, and

(6) Cmnd. 3708.

(7) [S.I. 1996/2908](#), to which there are amendments not relevant to these Regulations.

- (b) apply as at 1st January 2003 or are subsequently specified for the purposes of these Regulations in a Merchant Shipping Notice which is considered by the Secretary of State to be relevant from time to time;
“relevant rules of a recognised organisation” means rules of a recognised organisation which—
 - (a) relate to the matter in question and to all or any of the purposes set out in section 85(1) of the 1995 Act, and
 - (b) apply as at 1st January 2003 or are subsequently specified for the purposes of these Regulations in a Merchant Shipping Notice which is considered by the Secretary of State to be relevant from time to time;” and
 - (h) for the definition of “United Kingdom fishing vessel”, substitute—
““United Kingdom fishing vessel” means a fishing vessel registered in the United Kingdom, and—
 - (a) “new (1999) United Kingdom fishing vessel” means such a vessel which is a new (1999) fishing vessel, and
 - (b) “new (2003) United Kingdom fishing vessel” means such a vessel which is a new (2003) fishing vessel.”.
- 6.** In regulation 4, before “Council” insert “1997”.
- 7.** For regulation 6 substitute—

“**6.**—(1) New (1999) and existing United Kingdom fishing vessels shall comply with the requirements of Chapters II to VIII and X of the Annex to the Torremolinos Protocol, subject to the modifications set out in Schedule 3 hereto, appropriate to new (1999) and existing fishing vessels respectively.

(2) New (2003) United Kingdom fishing vessels shall comply with the requirements of Chapters II to VIII and X of the Annex to the Torremolinos Protocol, subject to the modifications set out in Schedule 4 hereto, appropriate to new (2003) fishing vessels.

(3) For the purposes of paragraphs (1) and (2), any reference in Chapters II to VIII and X of the Annex to the Torremolinos Protocol to a “new fishing vessel” shall be construed as a reference to a “new (1999) fishing vessel” and a “new (2003) fishing vessel” respectively.”.
- 8.** In regulation 8(2), after “new” insert “(1999) fishing vessel”.
- 9.** In regulation 9, at the end insert—

“(3) In relation to new (2003) fishing vessels, the intermediate surveys required under Regulation 6(1)(c) of Chapter I of the Annex to the Torremolinos Protocol shall be carried out at intervals of two years plus or minus three months.”.
- 10.** In regulation 10(1), before “Council” insert “1997”.
- 11.** In regulation 15—
 - (a) in paragraph (1), after “Schedule 3” insert “or 4”; and
 - (b) at the end insert—

“(3) In relation to new (2003) fishing vessels, the Secretary of State may exempt a vessel from the requirements of Regulation 2(3)(a) of Chapter II if he considers that such requirements are impracticable or unnecessary, taking into account the type and operation of the vessel.”.
- 12.** In regulation 17(1) and (2), before “Council” insert “1997”.

- 13.** In the heading to Schedule 3—
- (a) for “Regulation 6” substitute “Regulation 6(1)”;
 - (b) before “MODIFICATIONS” insert “NEW (1999) AND EXISTING UNITED KINGDOM FISHING VESSELS —”; and
 - (c) before “Council” insert “1997”.
- 14.** In paragraph 5 of Part I of Schedule 3, after “new” insert “(1999)”.
- 15.** For paragraph 25 of Part I of Schedule 3, substitute—
- 25.** In Regulation 1, paragraph (1), for “new vessels of 45 metres in length and over” substitute “new (1999) fishing vessels of 24 metres in length and over”.
- 16.** In paragraph 30 of Part I of Schedule 3 (which introduces a new paragraph (7) at the end of Regulation 5 in Chapter VII of the Annex to the Torremolinos Protocol), before “rules” insert “relevant”.
- 17.** In paragraph 41 of Part I of Schedule 3 (which introduces a new paragraph (7) in Regulation 3 of Chapter X of the Annex to the Torremolinos Protocol) —
- (a) in paragraph (a) of the new paragraph (7), for “to the satisfaction of the Secretary of State” substitute “such as to satisfy the Secretary of State that it is suitable for its purpose”; and
 - (b) in paragraph (b) of the new paragraph (7), for “to the satisfaction of the Secretary of State” substitute “which the Secretary of State is satisfied is suitable for its purpose”.
- 18.** At the end of Schedule 3, there shall be inserted, as Schedule 4 to those Regulations, the provision set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Transport

David Jamieson
Parliamentary Under-Secretary of State
Department for Transport

14th April 2003