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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [2000/34/EC](#) of the European Parliament and of the Council (OJ No. L 195, 1.8.2000, p.41) in so far as that Directive applies to workers on sea-going fishing vessels. Council Directive [2000/34/EC](#) amends Directive [93/104/EC](#) concerning aspects of the organisation of working time (OJ No. L 307, 13.12.1993, p.18).

The Regulations are made under the powers contained in the Merchant Shipping Act 1995 except in respect of regulation 19 and the amendments in the Second Schedule, where the power is provided by section 2(2) of the European Communities Act 1972.

Subject to the exceptions in Part 3 of the Regulations, a worker to whom the Regulations apply should not work more than 48 hours a week, averaged over a reference period of 52 weeks, and the worker's employer should take all reasonable steps to ensure that the limit is complied with (regulation 6).

A worker is entitled to adequate rest (regulation 7) and the total number of hours comprised in rest periods is not to be less than 10 hours in each day and 77 hours for each seven day period.

Regulation 8 is concerned with health assessments where a worker is a "night worker" within the meaning in the Regulations. The limits of "night work" are either prescribed by the Regulations, or may be determined by a relevant agreement, such as a workforce agreement complying with the requirements of Schedule 1. Companies may be required to provide information on their night workers to the Maritime and Coastguard Agency.

An employer must keep records of the hours worked by workers employed by him (regulation 10). Regulation 11 provides for a worker's entitlement to paid annual leave.

Regulation 19 makes provision in respect of complaints to an employment tribunal. Regulation 21 prevents contracting out of the provisions of the Regulations (subject to exceptions).

Regulation 22 and the Second Schedule contain amendments to primary and secondary legislation. A Regulatory Impact Assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 023 80329 100).

A transposition note has been prepared and copies may be obtained from the Seafarer Health and Safety Branch of the Maritime and Coastguard Agency (at the address given above).

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone number 0115 9013336; fax 0115 9013334; e-mail [mca@promo-solution.com](mailto:mca@promo-solution.com)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004.