
STATUTORY INSTRUMENTS

2004 No. 1713

**The Fishing Vessels (Working Time:
Sea-fishermen) Regulations 2004**

PART 2

RIGHTS AND OBLIGATIONS CONCERNING WORKING TIME

Health assessment and transfer of night workers to day work

- 8.—(1)** An employer—
- (a) shall not assign a worker to work which is to be undertaken during periods such that the worker will become a night worker unless—
 - (i) the employer has ensured that the worker will have the opportunity of a free health assessment before he takes up the assignment; or
 - (ii) the worker had a health assessment before being assigned to work to be undertaken during such periods on an earlier occasion, and the employer has no reason to believe that that assessment is no longer valid, and
 - (b) shall ensure that each night worker employed by him has the opportunity of a free health assessment at regular intervals of whatever duration may be appropriate in his case.
- (2) For the purpose of paragraph (1), an assessment is free if it is at no cost to the worker to whom it relates.
- (3) No person shall disclose an assessment made for the purposes of this regulation to any person other than the worker to whom it relates, unless—
- (a) the worker makes the disclosure or has given his consent to it in writing, or
 - (b) the disclosure is confined to a statement that the assessment shows the worker to be fit—
 - (i) in a case where paragraph (1)(a)(i) applies, to take up an assignment, or
 - (ii) in a case where paragraph (1)(b) applies, to continue to undertake an assignment.
- (4) Where—
- (a) a registered medical practitioner has advised an employer that a worker employed by the employer is suffering from health problems which the practitioner considers to be connected with the fact that the worker performs night work, and
 - (b) it is possible for the employer to transfer the worker to work—
 - (i) to which the worker is suited, and
 - (ii) which is to be undertaken during periods such that the worker will cease to be a night worker,
- the employer shall transfer the worker accordingly.

Changes to legislation:

There are currently no known outstanding effects for the The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004, Section 8.