
STATUTORY INSTRUMENTS

2006 No. 2183

**The Merchant Shipping and Fishing Vessels (Provision
and Use of Work Equipment) Regulations 2006**

**PART 1
GENERAL**

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“CE marking” means a marking signifying compliance with the basic requirements of design and manufacture of, and the specifications and test methods applicable to, a piece of work equipment which have been adopted by the appropriate authorities in the European Economic Area;

“competent person” means a person possessing the knowledge or experience necessary for the performance of the duties under these Regulations;

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

“employer” means a person by whom a worker is employed under a contract of employment and (except in regulation 4(4) and (5)) includes a self-employed person to whom the requirements imposed by these Regulations apply by virtue of regulation 4(5);

“fishing vessel” means a vessel for the time being used for, or in connection with, fishing for sea fish other than a vessel used for fishing otherwise than for profit; and for the purposes of this definition “sea fish” includes shellfish, salmon and migratory trout (as defined by section 44 of the Fisheries Act 1981⁽¹⁾);

“Government ship” has the meaning given in section 308(4) of the Act;

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

“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 paragraph (a), (b) or (c) of section 258(1) of the Act;

“ship” includes hovercraft;

“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; or

⁽¹⁾ 1981 c.29.

(c) is a hovercraft registered under the Hovercraft Act 1968⁽²⁾;

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom;

“use” in relation to work equipment, means any activity involving work equipment and includes starting, stopping, programming, setting, transporting, repairing, modifying, maintaining and servicing, including cleaning;

“work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not).

(2) Subject to paragraph (1), words and expressions used in these Regulations shall have the same meaning as in Council Directive 89/655/EEC⁽³⁾, as amended by Council Directive 95/63/EC⁽⁴⁾, concerning the minimum health and safety requirements for the use of work equipment by workers at work.

(2) 1968 c.59, S.I.1989/1350, as amended by S.I. 1990/2594, applies various merchant shipping enactments to hovercraft, with modifications.

(3) O.J. L393, 30.12.89, p.13.

(4) O.J. L335, 30.12.95, p.28.