
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revise the certification regime applicable to United Kingdom fishing vessels, and non-United Kingdom fishing vessels operating in United Kingdom waters. In order to obtain a Certificate of Compliance, a vessel must comply with an applicable Code of Practice, determinable by the size of the fishing vessel and the waters within which it operates. The Codes of Practice deal with the safe operation, construction and equipping of fishing vessels. They implement Council Directive [93/103/EC](#) of 23rd November 1993 concerning the minimum safety and health requirements for work on board fishing vessels and Council Directive [97/70/EC](#) of 11th December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, as amended by Commission Directive [2002/35/EC](#).

Regulation 3 contains provisions relating to application.

The Regulations prohibit the use of fishing vessels on a voyage without a certificate of compliance issued by the Secretary of State, following a survey or inspection (regulations 4 and 5). If a fishing vessel is involved in an accident, the Secretary of State must be notified. The Secretary of State may require further inspections and surveys to be carried out (regulation 6). The owner of a fishing vessel must notify the Secretary of State of any proposed alterations or modifications to be made to the vessel, and the Secretary of State may require further inspections and surveys to be carried out (regulation 7).

Regulations 8 and 9 provide for suspension and cancellation of certificates and regulation 10 requires a certificate to be produced on demand by specified officials.

The Secretary of State may require small fishing vessels to be presented for inspection and it is an offence to fail to report for such an inspection (regulation 11).

The Secretary of State has power to inspect and detain all sizes of fishing vessels, including non-United Kingdom fishing vessels. The latter are required to be certified by their flag State as being compliant with the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977, and to continue to so comply while within United Kingdom waters (regulations 12-15). Regulation 16 provides a right of appeal against detention, and for compensation to be payable for unjustifiable detention.

Regulations 17 and 18 provide for the Secretary of State to permit equipment equivalent to that specified in an applicable Code of Practice to be used, or to grant exemptions from a Code of Practice, if satisfied that this does not compromise safety.

Regulation 19 provides for the Statutory Instruments listed in the Schedule to be revoked: these Instruments are mainly Rules and Regulations relating to safety of fishing vessels, and which are superseded by the provisions of these Regulations. Two revoked Instruments relate to the previous implementation of Council and Commission Directives which are also superseded by these Regulations. Regulation 20 makes two transitional provisions.

Regulation 21 requires the Secretary of State to review the operation and effect of the Regulations and to publish a report within five years after they come into force, and every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum, to which a Transposition Note is annexed, alongside the instrument at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Fishing Vessels (Codes of Practice) Regulations 2017.