
STATUTORY INSTRUMENTS

2017 No. 943

The Fishing Vessels (Codes of Practice) Regulations 2017

PART 1

General matters

Citation and commencement

1. These Regulations may be cited as the Fishing Vessels (Codes of Practice) Regulations 2017 and come into force on 23rd October 2017.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“certificate of compliance” means a certificate issued in accordance with regulation 4;

“fixed permanent structure” —

(a) includes any part of the hull of a vessel which is capable of being detached but which is fixed in place during the normal operation of the vessel; but

(b) does not include functional arrangements such as boarding platforms, bowsprits, diving platforms, outboard motors, outdrives, propulsion machinery, pulpits, rubbing strips and fenders, rudders, safety rails, steering gear and sternhead fittings;

“flag State”, in relation to a non-United Kingdom fishing vessel, means the State whose flag the vessel is entitled to fly;

“large fishing vessel” means a fishing vessel of at least 24 metres overall registered length;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the after side of the aftermost fixed permanent structure;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“medium fishing vessel” means a fishing vessel of at least 15 metres length overall, but less than 24 metres registered length;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, and any reference to any particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time⁽¹⁾;

“non-United Kingdom fishing vessel” means a fishing vessel which is not registered in the United Kingdom;

“owner” means the registered owner of a vessel, unless that vessel—

(1) Merchant Shipping Notices can be accessed at <https://www.gov.uk/government/collections/merchant-shipping-notice-msns>.

- (a) has been chartered by demise, or
- (b) is managed, either wholly or in part, by a person other than the registered owner under the terms of a management agreement,

in which case the owner means the demise charterer or other person managing the vessel as the case may be;

“registered length” means the measurement which—

- (a) is recorded as the registered length in the vessel’s certificate of registry issued under the Merchant Shipping (Registration of Ships) Regulations 1993⁽²⁾, in the case of a United Kingdom fishing vessel;
- (b) is recorded as the registered length in any equivalent certificate issued in the case of a vessel registered outside the United Kingdom; or
- (c) would be recorded as the registered length if the vessel were a United Kingdom fishing vessel, in the case of an unregistered vessel;

“relevant Merchant Shipping Notice”, in relation to a fishing vessel, means the Merchant Shipping Notice containing the applicable Code of Practice for that vessel;

“small fishing vessel” means a fishing vessel which is not a medium or large fishing vessel;

“Torremolinos Protocol” means the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977⁽³⁾; and

“United Kingdom fishing vessel” means a fishing vessel which is registered in the United Kingdom.

- (2) For the purposes of these Regulations the “applicable Code of Practice” —
 - (a) in the case of small fishing vessels is the “Code of Practice for the Safety of Fishing Vessels of less than 15m Length Overall”, incorporated in Merchant Shipping Notice MSN 1871(F);
 - (b) in the case of medium fishing vessels is the “Code of Practice for the Construction and Use of Fishing Vessels of 15m Length Overall to less than 24m Registered Length”, incorporated in Merchant Shipping Notice MSN 1872(F); and
 - (c) in the case of large fishing vessels is the “Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over”, incorporated in Merchant Shipping Notice MSN 1873(F).

Application

3.—(1) These Regulations (except regulations 13 (certification of non-United Kingdom fishing vessels) and 14 (inspection of non-United Kingdom fishing vessels)) apply to United Kingdom fishing vessels.

(2) Regulations 13 and 14 apply to non-United Kingdom fishing vessels, with the exception of small fishing vessels, while in United Kingdom waters.

(2) S.I. 1993/3138, to which there are amendments not relevant to these Regulations.

(3) The Torremolinos Protocol and the Convention may be obtained from the International Maritime Organization at www.imo.org/en.