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STATUTORY INSTRUMENTS

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**2018 No. 1106**

**The Merchant Shipping (Work in Fishing Convention) Regulations 2018**

**PART 5**

Crew accommodation, food and complaint procedure

**Crew accommodation**

**20.**—(1) In this Part, “crew accommodation” means accommodation, including the construction, machinery, fittings and equipment of that accommodation, intended for or used by fishermen.

(2) A fishing vessel must comply with the requirements relating to crew accommodation set out in—

- (a) Merchant Shipping Notice 1871, where the length overall of the vessel is less than 15 metres;
- (b) Merchant Shipping Notice 1872, where the length overall of the vessel is 15 metres or more; but the registered length of the vessel is less than 24 metres, or
- (c) Merchant Shipping Notice 1873, where the registered length of the vessel is 24 metres or more.

(3) A breach of paragraph (2) is an offence by the fishing vessel owner.

(4) The skipper, or a crew member appointed by the skipper for that purpose, must, at intervals not exceeding 7 days, and accompanied by at least one member of the crew, inspect the crew accommodation to ensure that it is clean, decently habitable and safe and maintained in a good state of repair.

(5) The skipper of the fishing vessel, or the crew member appointed by the skipper for that purpose, must record the findings of the inspection undertaken pursuant to paragraph (4) in the official log book of the vessel specifying—

- (a) the time and date of the inspection;
- (b) the name and rank of each person making the inspection; and
- (c) the particulars of any respect in which the crew accommodation was found by the person making the inspection not to comply with these Regulations.

(6) In this regulation, “length overall” and “registered length” have meaning given in the Fishing Vessels (Codes of Practice) Regulations 2017 <sup>M1</sup>.

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**Marginal Citations**

**M1** [S.I. 2017/943](#).

## **Exemptions**

**21.**—(1) The Secretary of State may exempt a fishing vessel from some or all of the requirements of paragraph (2) of regulation 20, provided that it does not result in overall conditions less favourable than those which would result from the application of the requirements of Annex 3 to the Convention.

(2) Before granting an exemption the Secretary of State must take into account the interests of fishermen having differing and distinctive religious and social practices.

(3) An exemption granted under this regulation must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms (if any) on which it is given.

(4) A breach of the terms of an exemption granted under paragraph (1) is an offence by the fishing vessel owner.

## **Provision of food and drinking water**

**22.**—(1) The fishing vessel owner and the skipper of a fishing vessel must ensure that the food and drinking water that are provided on board the vessel—

- (a) are suitable in respect of quality, quantity and nutritional value taking account of—
  - (i) the number of fishermen on board and the character, nature and duration of the voyage;
  - (ii) the different religious requirements and cultural practices in relation to food of the fishermen on board;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any food or drinking water unpalatable; and
- (c) are otherwise fit for consumption.

(2) The fishing vessel owner and the skipper must ensure that the food and drinking water which are provided in accordance with paragraph (1) are provided free of charge to all fishermen while they are on board.

(3) A breach of paragraph (1) or (2) is an offence by the fishing vessel owner and the skipper.

## **Organisation of catering facilities**

**23.**—(1) The fishing vessel owner and the skipper of a fishing vessel must ensure that—

- (a) the galley and food storage facilities are maintained in a hygienic condition; and
- (b) waste is kept in closed, well sealed containers and removed from food handling areas whenever necessary.

(2) A breach of paragraph (1) is an offence by the fishing vessel owner and the skipper.

## **Inspection of food and catering facilities**

**24.**—(1) The skipper of a fishing vessel, or a crew member appointed to do so by the skipper, must, at intervals not exceeding 7 days, and accompanied by at least one member of the crew, inspect—

- (a) the supplies of food and drinking water on board to check compliance with regulation 22; and
- (b) the catering facilities to check compliance with regulation 23.

(2) A breach of paragraph (1) is an offence by the fishing vessel owner and the skipper.

(3) The skipper of the fishing vessel, or the crew member appointed by the skipper for that purpose, must record the findings of the inspection undertaken pursuant to paragraph (1) in the official log book of the vessel specifying—

- (a) the time and date of the inspection;
- (b) the name and rank of each person making the inspection; and
- (c) the particulars of any respect in which the food, drinking water and catering facilities were found by the person making the inspection not to comply with these Regulations.

### **On-shore complaint procedure**

**25.**—(1) A fisherman may lodge with the Secretary of State a complaint alleging a breach of the requirements of the Work in Fishing Convention, and the Secretary of State must treat the source of any such complaint as confidential.

(2) The fishing vessel owner and the skipper of a fishing vessel must ensure that a fisherman is not subjected to any detriment on the grounds that the fisherman has lodged a complaint, whether through an on-board procedure or to the Secretary of State, alleging a breach of the requirements of the Work in Fishing Convention.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Work in Fishing Convention) Regulations 2018, PART 5.