
STATUTORY INSTRUMENTS

2018 No. 1107

**The Merchant Shipping (Work in Fishing Convention)
(Survey and Certification) Regulations 2018.**

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“certifying authority” means—

- (a) the Secretary of State; or
- (b) an organisation which has an agreement with the Secretary of State pursuant to Article 5(2) of Directive [2009/15/EC](#)^{M1} of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations which authorises it to undertake surveys of ships under these Regulations;

“Convention” or “Work in Fishing Convention” means the convention adopted at Geneva on 14th June 2007 by the International Labour Organisation;

“Convention State” means a State, other than the United Kingdom, which is a party to the Convention;

[^{F1}“exempt fishing vessel” means a fishing vessel to which regulation 5 does not apply (see regulation 3(3) (application));]

“fishing vessel owner” means the owner of the fishing vessel or any other organisation or person such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organisation or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner;

“length” means registered length as defined by the Fishing Vessels (Codes of Practice) Regulations 2017 ^{M2};

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State, and any reference to a 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;

“relevant inspector” means any of the persons mentioned in section 258(1) of the Act;

“skipper” means the person having command of the fishing vessel;

“United Kingdom fishing vessel means” means a fishing vessel which is—

- (a) a United Kingdom ship within the meaning of section 85(2) of the Act; or
- (b) a hovercraft registered under the Hovercraft Act 1968 ^{M3};

“Work in Fishing Convention Certificate” means, a certificate of that name issued by the Secretary of State or a document issued by the competent authority of a Convention State in accordance with article 41.1 of the Work in Fishing Convention; and

“Work in Fishing Convention standards” means the standards set out in the Convention that are applicable to the particular fishing vessel and specified in Merchant Shipping Notice 1885 (F).

(2) In the application of these Regulations to a hovercraft a reference to the skipper includes a reference to the captain of the hovercraft.

Textual Amendments

F1 Words in [reg. 2\(1\)](#) inserted (26.12.2020) by [The Merchant Shipping \(Maritime Labour Convention and Work in Fishing Convention\) \(Amendment\) Regulations 2020 \(S.I. 2020/1166\)](#), regs. 1, **4(2)**

Marginal Citations

M1 OJ No. L.131, 28.05.2009, p.47.

M2 [S.I. 2017/943](#).

M3 1968 c.59.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018., Section 2.