
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Article 10 of the Work in Fishing Convention 2007 (Cm 7375).

They apply to fishermen on United Kingdom fishing vessels wherever they may be. Regulation 16 (inspection) also applies to fishing vessels other than United Kingdom fishing vessels, while they are in a United Kingdom port or United Kingdom waters.

Regulation 4 provides that fishermen working on United Kingdom fishing vessels must possess medical fitness certificates and carry them on board the fishing vessel on which they are working, and Regulation 5 prohibits the employment of fishermen who do not have such a certificate. In limited circumstances and for limited periods of time, a fisherman may work on a fishing vessel without a medical fitness certificate.

Regulations 6 to 8 make provision as to the issuing and validity of medical fitness certificates and for equivalent certificates to be accepted as medical fitness certificates in certain circumstances.

Regulation 9 provides that fishermen must report medical conditions to the medical practitioner or other authority who issued their medical fitness certificate. Where this obligation applies, a medical certificate will be suspended until such time as the medical practitioner or authority has assessed the fisherman's condition. Regulation 10 provides that, where there has been a significant change in a fisherman's medical fitness, or where the medical practitioner who issued a medical fitness certificate was not in possession of full details about the fisherman and, if those details were appreciated the certificate would not have been issued, or where such a certificate has not been issued in compliance with these Regulations, a medical practitioner may suspend or cancel the certificate.

Regulation 11 provides that the Secretary of State must arrange for the review by a medical referee of certain decisions by a medical practitioner. An application for review must be made within one month of the date of notification of the decision challenged, unless the Secretary of State agrees that a longer period is appropriate.

Regulation 12 provides that medical practitioners and medical referees must keep records, and must send to the Secretary of State, on request, a return of medical examinations which have been carried out.

Regulation 13 provides that, on application and payment of the medical practitioner's administrative costs, a replacement medical fitness certificate may be issued where the person to which that certificate was issued is no longer in possession of it.

Regulation 14 provides that the Secretary of State may grant exemptions from the requirement to have a medical certificate.

Regulation 15 provides for offences and penalties for persons, including fishermen and fishing vessel owners, who fail to comply with these Regulations.

Regulation 16 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within 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 amended. A further instrument would be needed to revoke the Regulations or to amend them.

These Regulations are made under sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) of the Merchant Shipping Act 1995 except in so far as (a) they relate to parts of the Work in Fishing Convention, 2007 which do not concern the health or safety of persons on ships. Section 2(2) of the

Status: This is the original version (as it was originally made).

European Communities Act 1972 is used to ensure that all parts of the Work in Fishing Convention, 2007 are covered by these Regulations.

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The Work in Fishing Convention may be downloaded from the website of the International Labour Organisation at <https://www.ilo.org>. Hard copies can be obtained by writing to the Seafarer Safety and Health Manager, The Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.