
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to primary and secondary legislation arising out of the implementation of the Work in Fishing Convention, 2007 (“the Convention”)(Cm. 7375).

Regulation 2 amends the Merchant Shipping Act 1995 so as to provide that certain provisions will in future apply to a more limited class of vessels. The fishing vessels to which those provisions will thereby cease to be apply are subject to provisions on the same subject matter in the Merchant Shipping (Work in Fishing Convention) Regulations 2018 (2018 (“the 2018 Regulations”) which are compatible with the Convention.

Regulation 3 amends the Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen)(Fishing Vessels) Regulations 1972 so as to dis-apply those regulations for fishing vessels to which the 2018 Regulations apply (as the 2018 Regulations contain different provision on the same subject matter).

Regulation 4 extends the application of the Merchant Shipping (Seamen’s Allotments) Regulations 1972 to all fishermen working on fishing vessel registered in the United Kingdom.

Regulation 5 amends the Merchant Shipping (Seamen’s Wages and Accounts) Regulations 1972 so as to (a) remove certain provisions which are superseded by provisions in the 2018 Regulations, and (b) to make consequential amendments arising from the provision made in the 2018 Regulations.

Regulation 6 amends the Merchant Shipping (Repatriation) Regulations 1979 so as to dis-apply those regulations for fishing vessels to which the 2018 Regulations apply (as the 2018 Regulations contain different provision on the same subject matter).

Regulation 7 amends the Merchant Shipping and Fishing Vessels (Health and Safety at Work Regulations 1997 in order to apply certain provisions of those regulations to fishermen who would not otherwise be regarded as workers under those regulations.

Regulation 8 amends the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 and inserts new regulation 11A into those regulations which entitles workers to an additional 1.6 weeks of annual leave as well as the four weeks they are entitled to under regulation 11 of those regulations.

Regulation 9 amends the Merchant Shipping (Fees) Regulations 2018 to permit fees to be charged in connection with applications for medical certificates and for surveys of ships required by the Convention.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency (“the MCA”) (an executive agency of the Department for Transport). Copies may be obtained from M-Notices Subscriptions, PO Box 362, Europa Park, Grays, Essex RM17 9AY, email: mnotices@ecgroup.co.uk. They may also be accessed via the MCA’s website: www.gov.uk/government/organisations/maritime-and-coastguard-agency, which also has details of any amendments or replacements.

The Maritime Labour 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.