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STATUTORY INSTRUMENTS

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**2018 No. 1109**

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

**Amendments to the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997**

7.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997<sup>(1)</sup> are amended as follows.

(2) In regulation 2(2) (interpretation)—

(a) after the definition of “employer” insert—

“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 Work in Fishing Convention, regardless of whether any other organisation or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner;”;

(b) in the definition of “seafarer” omit the words “which is not a fishing vessel”;

(c) in the definition of “shipowner”, after the word “ship” where it first occurs in subparagraph (b) insert “other than a fishing vessel”;

(d) after the definition of “worker” insert—

““Work in Fishing Convention” means the convention adopted at Geneva on 14th June 2007 by the International Labour Organisation<sup>(2)</sup>

(3) In regulation 3 (application)—

(a) after paragraph (1A) insert—

“(1B) As regards Group D and Group E ships—

(a) the following provisions insofar as they apply to workers, also apply to seafarers who are not workers and insofar as they apply to employers, also apply to fishing vessel owners—

(i) regulation 4(1)(a),

(ii) regulation 5(1),

(iii) regulation 7,

(iv) regulation 12(1) and 12(2), and

(v) regulation 20.

(b) in relation to seafarers who are not workers, any obligations imposed by the provisions mentioned in paragraph (a), to the extent that they would, by virtue of

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(1) [S.I.1997/2962](#), amended by [S.I.2014/1616](#), there are other amending instruments but none is relevant.

(2) Cm 7375.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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that paragraph, apply to employers and fishing vessel owners, apply to fishing vessel owners only.”,

- (b) in paragraph (2)(a) omit the words “with the exception of regulations 7(4A), 11A and 12A”,
- (c) in paragraph (2A) omit sub-paragraph (a),
- (d) in paragraph (3)(b) omit “only” and at the end insert “and Group D ships”.