



Isle of Man

Ellan Vannin

AT 3 of 1974

**FISHING VESSELS (SAFETY PROVISIONS)
(ISLE OF MAN) ACT 1974**



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**Isle of Man***Ellan Vannin*

FISHING VESSELS (SAFETY PROVISIONS) (ISLE OF MAN) ACT 1974

Received Royal Assent: 26 March 1974
Passed: 21 May 1974
Commenced: 1 July 1977

AN ACT to provide for the safety of fishing vessels and for certain other matters relating to such vessels and for connected purposes.¹

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

1 Fishing vessel construction rules

[1970/1]

- (1) The Department may make rules (in this Act referred to as “**fishing vessel construction rules**”) prescribing requirements for the hull, equipment and machinery of fishing vessels of any description registered in the Isle of Man (including any description framed by reference to the areas in which the vessels operate or the dates on which they were first registered in the Isle of Man or on which their construction was begun).²
- (2) The Department may exempt any fishing vessel or description of fishing vessel from any requirement of the fishing vessel construction rules, either generally or for a specified time or with respect to a specified voyage or to voyages in a specified area, and may do so subject to any specified conditions.³
- (3) A surveyor of ships may inspect any fishing vessel for the purpose of seeing that it complies with the fishing vessel construction rules, and for that purpose shall have the powers conferred on an inspector by section 3 of the *Merchant Shipping Act 1985*.⁴
- (4) If —
 - (a) the fishing vessel construction rules are contravened with respect to any vessel; or

- (b) a vessel is, under subsection (2) of this section, exempted from any requirement subject to a condition and the condition is not complied with;

the owner or master of the vessel shall be liable on summary conviction to a fine not exceeding £5,000.

2 Fishing vessel survey rules

[1970/2]

- (1) The Department may make rules (in this Act referred to as “**fishing vessel survey rules**”) for the surveying and periodical inspection of fishing vessels registered in the Isle of Man or any description of such fishing vessels, for the purpose of ensuring their compliance with the requirements of the fishing vessel construction rules, the rules for life-saving appliances, the radio rules, the rules for direction-finders and the rules for radio navigational aids applicable to them.⁵
- (2) [Repealed]⁶

3 Fishing vessel certificates

[1970/3]

- (1) If the Department or any person authorised by them for the purpose are satisfied, on receipt of a declaration of survey in respect of a fishing vessel surveyed under the fishing vessel survey rules, that the vessel complies with such of the requirements of —
- (a) the fishing vessel construction rules;
 - (b) the rules for life-saving appliances; or
 - (c) the radio rules, the rules for direction-finders and the rules for radio navigational aids;
- as are or will be applicable to the vessel, then, subject to subsection (2) of this section, the Department or person shall, on the application of the owner, issue a certificate showing that the vessel complies with those requirements; and for this purpose any requirement from which the vessel has been exempted under section 1(2) of this Act or any provision of the Merchant Shipping Acts which has effect in the Isle of Man shall be deemed not to be applicable to it.⁷
- (2) Fishing vessel survey rules may require, in the case of such certificate to be issued under this section as may be specified in the rules, that the Department or person authorised to issue it shall not issue the certificate unless satisfied that the vessel in respect of which it is to be issued is provided with the lights, shapes and means of making fog signals required by the collision regulations.⁸
- (3) A certificate issued under this section shall be in such form as may be prescribed by the fishing vessel survey rules; and those rules may make

provision for the duration, extension or cancellation of any such certificate and for the endorsement on it of information relating to the inspection, in accordance with the rules, of the vessel to which it relates and of any extension of the period for which the certificate was issued.

- (4) Sections 13 and 20 of the *Merchant Shipping (Passenger Ships' Survey) Act 1979* (posting up of certificates and false statements and forgery) shall apply in relation to any certificate provided for by this section as they apply in relation to a passenger steamer's certificate.⁹
- (5) Any certificate issued under this section shall be admissible in evidence.

4 Prohibition on going to sea without appropriate certificates

- (1) No fishing vessel required to be surveyed under the fishing vessel survey rules shall go to sea unless there are in force certificates issued under section 3 of this Act showing that the vessel complies with such of the requirements of the fishing vessel construction rules, the rules for life-saving appliances, the radio rules, the rules for direction-finders and the rules for radio navigational aids as are applicable to the vessel.
- (2) If any fishing vessel goes to sea or attempts to go to sea in contravention of this section, the owner or master of the vessel shall be liable on summary conviction to a fine not exceeding £2,500.
- (3) The master of any fishing vessel registered in the Isle of Man shall on demand produce to any officer of customs or of the Department any certificate required by this Act; and the fishing vessel may be detained until the certificate is so produced.¹⁰
- (4) Where a fishing vessel is detained under this section, section 3(2) of the *Merchant Shipping (Detention of Ships) Act 1979* (which relates to the costs of detention) shall apply as if the vessel had been finally detained under that Act.¹¹

5 Notice of alterations

[1970/5]

- (1) Where a certificate issued under section 3 of this Act is in force in respect of a fishing vessel and —
 - (a) the certificate shows compliance with requirements of the fishing vessel construction rules and an alteration is made in the vessel's hull, equipment or machinery which affects the efficiency thereof or the seaworthiness of the vessel; or
 - (b) the certificate shows compliance with requirements of the rules for life-saving appliances and an alteration is made affecting the efficiency or completeness of the appliances or equipment which the vessel is required to carry by those rules; or

- (c) the certificate shows compliance with requirements of the rules mentioned in section 3(1)(c) of this Act and an alteration is made affecting the efficiency or completeness of the equipment which the vessel is required to carry by those rules;

the owner or master shall, as soon as possible after the alteration is made, give written notice containing full particulars of it to the Department or, if the certificate was issued by another person, to that person; and if the notice is not given as required by this section the owner or master shall be liable on summary conviction to a fine not exceeding £1,000.¹²

- (2) In this section “alteration” in relation to anything includes the renewal of any part of it.

6 [Repealed]¹³

7 Application of United Kingdom rules

- (1) Subject to such exceptions, modifications and adaptations as may be made by the Department by rules made under this Act, all the Department for Enterprise rules, the radio rules, rules for direction-finders, rules for life-saving appliances and rules for radio navigational aids shall so far as they relate to fishing vessels have effect in the Isle of Man and whether made before or after the commencement of this Act.¹⁴
- (2) The Department may by order apply to the Isle of Man as part of the law of the Isle any rules made under any of the Merchant Shipping Acts of Parliament and relating to fishing vessels, not being rules to which subsection (1) of this section applies; but so that no such order shall take effect until it has been approved by Tynwald.¹⁵
- (3) The Department may exempt any fishing vessel from any requirement of –
- (a) the rules having effect in the Island by virtue of subsection (1); or
 - (b) the rules applied to the Island pursuant to subsection (2),
- either generally or for a specified time or with respect to a specified voyage or to voyages in a specified area, and may do so subject to any specified conditions.¹⁶

8 Regulations and rules

- (1) Before making any rules under this Act the Department shall consult with organisations in the Isle of Man appearing to them representative of persons who will be affected by the rules.¹⁷
- (2) Rules or regulations made under this Act may be at any time amended, varied, rescinded or revoked by subsequent rules or regulations made by the Department.¹⁸

- (3) Rules and regulations made under this Act shall be laid before the sitting of Tynwald held next after the making thereof.
- (4) Rules and regulations made under this Act shall have effect from the date specified therein or, if no date be specified, from the date on which they are made, but any such rules and regulations shall cease to have effect unless Tynwald, at the sitting referred to in subsection (3) of this section, by resolution approves the same, without prejudice however to the validity of anything previously done thereunder or to the making of new rules or regulations.

9 Interpretation

- (1) In this Act —

“**Board**” [Repealed]¹⁹

“**collision regulations**” means regulations made under section 418 of the Merchant Shipping Act 1985 (an Act of Parliament), or made or applied under the *Merchant Shipping Act 1985*;²⁰

“**the Department**” means the Department for Enterprise;²¹

“**Department for Enterprise rules**” means rules made under the Fishing Vessels (Safety Provisions) Act 1970 (an Act of Parliament);²²

“**fishing vessel**” means a vessel which is for the time being used for or in connection with sea fishing, but does not include a vessel used for fishing otherwise than for profit;

“**fishing vessel construction rules**” has the meaning assigned to it by section 1 of this Act;

“**fishing vessel survey rules**” has the meaning assigned to it by section 2 of this Act;

“**radio rules**” means rules made under section 3 of the Merchant Shipping (Safety Convention) Act 1949 (an Act of Parliament) as substituted by Schedule 1 of the Merchant Shipping Act 1970;

“**rules for direction-finders**” means rules made under section 5 of the Merchant Shipping (Safety Convention) Act 1949 (an Act of Parliament);

“**rules for life-saving appliances**” means rules made under section 427 of the Merchant Shipping Act 1894 (an Act of Parliament);

“**rules for radio navigational aids**” means rules made under section 6 of the Merchant Shipping (Safety Convention) Act 1949 (an Act of Parliament) as substituted by Schedule 1 of the Merchant Shipping Act 1970;

“**surveyor of ships**” means a surveyor appointed under section 2 of the *Merchant Shipping (Registration) Act 1984*, or a surveyor appointed by the Secretary of State under section 724 of the Merchant Shipping Act 1894 (an Act of Parliament);²³

“the Merchant Shipping Acts” means the Merchant Shipping Acts 1894 to 1967, the Merchant Shipping Act 1970 and the Fishing Vessels (Safety Provisions) Act 1970 (all being Acts of Parliament) and any statutory provision for the time being in force relating to merchant shipping, whether made before or after the commencement of this Act.²⁴

- (2) References in this Act to any enactment of Parliament are references thereto as amended by any other enactment of Parliament.
- (3) References in this Act to **“the radio rules”**, **“rules for direction-finders”**, **“rules for life-saving appliances”** and **“rules for radio navigational aids”** shall be construed as including regulations made in relation to those matters under sections 21 and 22 of the Merchant Shipping Act 1979 (an Act of Parliament).²⁵

10 Expenses

Any expenses incurred by the Board under this Act shall be defrayed out of moneys provided by Tynwald.

11 Short title and commencement

- (1) This Act may be cited as the Fishing Vessels (Safety Provisions) (Isle of Man) Act 1974.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall take effect on such day as the Board may by order appoint and different days may be appointed for different provisions and for different descriptions of fishing vessel.²⁶

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Long title amended by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 1.

² Subs (1) amended by GC190/86.

³ Subs (2) amended by GC190/86.

⁴ Subs (3) amended by Merchant Shipping Act 1985 Sch 1.

⁵ Subs (1) amended by GC190/86.

⁶ Subs (2) repealed by SD352/99.

⁷ Subs (1) amended by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 1 and by GC190/86.

⁸ Subs (2) amended by GC190/86.

⁹ Subs (4) amended by Merchant Shipping (Passenger Ships' Survey) Act 1979 Sch 1.

¹⁰ Subs (3) amended by GC190/86.

¹¹ Subs (4) amended by Merchant Shipping (Detention of Ships) Act 1979 s 7.

¹² Subs (1) amended by GC190/86.

¹³ S 6 repealed by Merchant Shipping (Miscellaneous Provisions) Act 1996 Sch 2.

¹⁴ Subs (1) amended by SD155/10 Sch 2 and by SD2017/0325.

¹⁵ Subs (2) added by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 1 and amended by GC190/86 and by Merchant Shipping Registration Act 1991 Sch 5.

¹⁶ Subs (3) added by Merchant Shipping Act 1985 Sch 1 and amended by GC190/86.

¹⁷ Subs (1) amended by GC190/86.

¹⁸ Subs (2) amended by GC190/86.

¹⁹ Definition of "Board" repealed by GC190/86.

²⁰ Definition of “collision regulations” amended by Merchant Shipping Registration Act 1991 Sch 5.

²¹ Definition of “the Department” inserted by GC190/86 and amended by SD155/10 Sch 2, and by SD2017/0325.

²² Definition of “Department for Enterprise rules”, formerly “Department of Economic Development rules” and “Department of Trade and Industry rules”, inserted by GC190/86 and amended by SD155/10 Sch 2 and by SD2017/0325.

²³ Definition of “surveyor of ships” inserted by Merchant Shipping Act 1985 Sch 1.

²⁴ Definition of “the Merchant Shipping Acts” amended by Statute Law Revision (Miscellaneous Provisions) Act 1979 Sch 1 and by Merchant Shipping Registration Act 1991 Sch 5.

²⁵ Subs (3) added by Merchant Shipping Act 1985 Sch 1.

²⁶ ADO (whole Act) 1/7/1977 (GC76/77).