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STATUTORY INSTRUMENTS

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**2001 No. 9**

**MERCHANT SHIPPING  
SAFETY**

The Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001

Text of the Regulations as they have effect in the Isle of Man. Amendments are indicated by ***bold italics***

MANX EXTENDING/AMENDING INSTRUMENT	UK S.I.s APPLIED
1. SD73/06 Fishing Vessels (Safety Legislation) (Application) Order 2006	SI 2001 No. 9

Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2002 (S.I. 2001 No.9) (as amended by S.I. 2002 No. 2201 Fishing Vessel (Safety of 15-24 Metre Vessels) Regulations 2002 are applied by SD73/06 Fishing Vessels (Safety Legislation) (Application) Order 2006 with such exceptions, adaptations and modifications made where necessary.

**Amendments:**

These Regulations are marked with amendments (in ***bold italic***) made to these Regulations by section 55 of the Interpretation Act 2015 which increase the fines with effect from 1 January 2018.

The functions in these Regulations have been transferred by SD155/10 to the Department of Economic Development and then to the Department for Enterprise by SD2017/0325 the Transfer of Functions (Economic Development and Education) Order 2017 with effect from 24 November 2017.

SD2019/0120 European Union and Trade Act 2019 (Deficiencies)(Enterprise) Regulations 2019 which makes amendments to legislation for which the Department for Enterprise is responsible in order to correct deficiencies resulting from the UK's withdrawal from the EU. The amendments are to regulation 2 (interpretation) and regulation 7 (equivalent provisions).

2001 No. 9

**MERCHANT SHIPPING  
SAFETY**

The Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations  
2001

**Citation and Commencement**

1. These Regulations may be cited as the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 and shall come into force on *1 April 2006*.

**Interpretation**

2. In these Regulations –

“certificate of registry” means the certificate of registry issued under the *Merchant Shipping (Registration of Fishing Vessels) Regulations 1991*<sup>1</sup>

“Certifying Authority” *definition omitted*;

“Code of Practice” means the *“Isle of Man Code of Practice for the Safety of Small Fishing Vessels” which is the “Code of Practice for the Safety of Small Fishing Vessels” published by the MCA in Merchant Shipping Notice 1756(F) as modified to take account of local circumstances, and any references to the Code of Practice in these Regulations are references to the Isle of Man Code*;

“Department” means the Department of Trade and Industry<sup>2</sup>;

“EEA Agreement” *definition omitted by SD2019/0120*;

“EEA State” has the meaning given by paragraph 1A of the Schedule to the Interpretation Act 2015;

“Isle of Man fishing vessel” means a fishing vessel which is registered in the Isle of Man under Part III of the Merchant Shipping Registration Act 1991<sup>3</sup>;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure” –

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<sup>1</sup> GC392/91

<sup>2</sup> The functions in these Regulations have been transferred by SD155/10 to the Department of Economic Development and then to the Department for Enterprise by SD2017/0325 the Transfer of Functions (Economic Development and Education) Order 2017 with effect from 24 November 2017.

<sup>3</sup> c.15

(a) includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel,

(b) does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;

“MCA” means the Maritime and Coastguard agency an executive agency of the *United Kingdom Department for Transport*;

“Merchant Shipping Notice” means a notice described as such and issued by the MCA;

*Surveyor – means a surveyor appointed by the Department;*

*“territorial waters” means:*

(a) *the territorial sea adjacent to the Island, and*

(b) *any waters within the area which extends landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides;*

“United Kingdom fishing vessel” *definition omitted*; and

“voyage” includes an excursion, and shall be taken to commence when a vessel leaves its berth or anchorage at a port.

## **Application**

3. (1) These Regulations (*except regulation 11*) apply to *Isle of Man* fishing vessels of less than 15 metres length overall.

(2) *Regulations 9 and 11 apply to any fishing vessel, other than a Isle of Man fishing vessel, of less than 15 metres length overall while it is within Isle of Man territorial waters.*

## **Amendment of the Fishing Vessels (Safety Provisions) Rules 1975**

4. *Omitted.*

## **Amendment of the Fishing Vessels (Life-Saving Appliances) Regulations 1988**

5. *Omitted*

## **Prohibition on proceeding on any voyage unless Code of Practice complied with**

6. Subject to regulation 7, a vessel shall not proceed on any voyage unless the vessel complies with the requirements of the Code of Practice.

## Equivalent provisions

7. (1) Where the Code of Practice requires that a particular fitting, material, appliance or apparatus or type thereof shall be fitted or carried in a vessel, or that any particular provision shall be made, the **Department** shall permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried or any other provision to be made in that vessel if *it* is satisfied by trial or otherwise that such other fitting, material, appliance or apparatus or type thereof or provision is at least as effective as that required by the Code of Practice.

(2) For the purposes of the Code of Practice, the results of verification or test shall be accepted if the verification or test is carried out –

(a) in accordance with the Code of Practice or with a Code of Practice, specification or technical description of *the United Kingdom or an EEA State* offering equivalent levels of safety, suitability and fitness for the purpose; and

(b) by a body or laboratory of *the United Kingdom or an EEA State* offering suitable and satisfactory guarantees of technical and professional competence and independence.

## Penalties

8. (1) If a vessel proceeds or attempts to proceed on any voyage, in contravention of regulation 6, then the owner and the skipper shall each be guilty of an offence, punishable only on summary conviction by a fine not exceeding **£500**<sup>4</sup>.

(2) It shall be a defence for a person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

## Detention

9. In any case where a vessel does not comply with the requirements of regulation 6, the vessel shall be liable to be detained and section **74 of the Merchant Shipping Registration Act 1991**<sup>5</sup> (which relates to the detention of a ship) shall have effect in relation to the vessel, subject to the modification that for the words “this Act”, wherever they appear, there shall be substituted “the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 *as applied to the Isle of Man by SD 73/06*”

## *Inspection and Detention of an Isle of Man fishing vessel*

10. (1) *The Certifying Authority may inspect any Isle of Man fishing vessel referred to in regulation 3 (1) for compliance with the requirements of the Code of Practice.*

(2) *The Department, if it is satisfied that there has been a failure to comply in relation to that vessel with the requirements of the Code of Practice may detain the vessel and she shall be*

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<sup>4</sup> Increased to a fine not exceeding £500 by section 55 of the Interpretation Act 2015 with effect from 1 January 2018

<sup>5</sup> c.15

*deemed to be unsafe for the purposes of section 1 of the Merchant Shipping (Detention of Ships) Act 1979<sup>6</sup>.*

*(3) Where a fishing vessel is detained under this section, section 74 of the Merchant Shipping Registration Act 1991<sup>7</sup>(which relates to the detention of a ship) shall have effect in relation to the vessel, subject to the modification that for the words “this Act”, wherever they appear, there shall be substituted “the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 as applied to the Isle of Man by SD 73/06”*

*(4) Where a fishing vessel is detained under this section, section 3 (2) of the Merchant Shipping (Detention of Ships) Act 1979<sup>8</sup> (which relates to the costs of detention) shall apply as if the vessel had been finally detained under that Act.*

*(5) The Department shall not in exercise of powers under this regulation detain or delay the vessel unreasonably.*

#### *Inspection and detention and other measures in respect of non Isle of Man fishing vessels*

*11. (1) A surveyor may inspect any fishing vessel referred to in regulation 3(2) when the vessel is in Isle of Man territorial waters, and if satisfied that the vessel does not conform to the standards required of an Isle of Man fishing vessel by these Regulations, and that the conditions on board are clearly hazardous to health and safety, he may –*

*(a) take such measures as are necessary to rectify those conditions, or*

*(b) if he considers the vessel to be an unsafe ship, detain the vessel under the relevant provisions of the Merchant Shipping (Detention of Ships) Act 1979<sup>9</sup>;*

*when the vessel has called in Isle of Man territorial waters in the normal course of business.*

*(2) If either of the measures specified in paragraph (1)(a) or (b) is taken, the surveyor shall forthwith notify the nearest maritime, consular or diplomatic representative of the state whose flag the vessel is entitled to fly.*

*(3) The surveyor shall not in the exercise of his powers under this regulations detain or delay the vessel unreasonably.*

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<sup>6</sup> *c.13*

<sup>7</sup> *c.15*

<sup>8</sup> *c.13*

<sup>9</sup> *c.13*

### Consequential Amendments

#### Amendment of the Fishing Vessel (Safety Provisions) Rules 1975<sup>10</sup>

1. The Fishing Vessels (Safety Provisions) Rules 1975 shall be amended as follows:
  - (1) Subject to the following paragraphs, in each Rule the words “of 12 metres in length and over” wherever they appear there shall be substituted “15 metres length overall and over”.
  - (2) Subject to the following paragraphs, in each Rule the words “24.4 metres in length and over” wherever they appear shall be substituted “24 metres registered length and over”.
  - (3) For rule 1 (2) substitute:
    - “(2) (a) Subject to subparagraph (b), these Rules apply to every mechanically propelled sea-going Isle of Man fishing vessel of 24 metres registered length and over.
    - (b) These rules apply to every mechanically propelled sea-going Isle of Man fishing vessel of 15 metres length overall to less than 24 metres registered length constructed before 1 April 2006 in so far as the Merchant Shipping (Safety Provisions) (Application) Order 2006<sup>11</sup> enables vessels constructed before 1 April 2006 to continue to comply with these Rules.”
  - (4) In rule 1 (5) after the definition of “height” there shall be inserted –

“ “Isle of Man fishing vessel” means a fishing vessel which is registered in the Isle of Man under Part III of the Merchant Shipping Registration Act 1991<sup>12</sup> ;”
  - (5) In rule 1 (5) after the definition of length there shall be inserted –

“ “length overall” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure” –

    - (a) includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel,
    - (b) does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;”
  - (6) In rule 1(5) after the definition of “Principal Depth” there shall be inserted –

<sup>10</sup> S.I. 1975 No. 330 as applied to the Isle of Man by GC75/77 and amended.

<sup>11</sup> S.D. 73/06 which applies S.I. 2202 No. 2201 the Fishing Vessels (Safety of 15-24 Metre Vessels) Regulations 2002 with amendments to the Island.

<sup>12</sup> c.15

“ “registered length” means the measurement which-

(a) is recorded as the registered length in the vessel’s certificate of registry issued under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991<sup>13</sup>, in the case of a Isle of Man fishing vessel, or

(b) would be the registered length if the vessel were a Isle of Man fishing vessel, in the case of an unregistered vessel;”

## **Amendment of the Fishing Vessel (Life Saving Appliances) Regulations 1988<sup>14</sup>**

2. The Fishing Vessels (Life Saving Appliances) Regulations 1988 shall be amended as follows:

(1) In regulation 2 (1) after the definition of “person” there shall be inserted –

“ “registered length” means the measurement which-

(a) is recorded as the registered length in the vessel’s certificate of registry issued under the Merchant Shipping (Registration of Fishing Vessels) Regulations 1991<sup>15</sup>, in the case of a Isle of Man fishing vessel, or

(b) would be the registered length if the vessel were a Isle of Man fishing vessel, in the case of an unregistered vessel;”

(2) In regulation 2 (4) after “These Regulations apply to Manx Fishing vessels” insert “of 24 metres registered length and over.”

(3) In regulation 3 (1) omit “of 12 metres in length and over”

(4) In regulation 3(2) (d) omit -

“issued by the Department, as specified in Manx Shipping Notice No. 114; and those specifications shall include a reference to any document amending the same which is considered by the Department to be relevant from time to time and is specified in a Manx Shipping Notice”

(5) Regulation 4 shall be omitted in its entirety.

(6) In regulation 5 (1) omit “of 12 metres in length and over”

(7) Regulation 8 (2) shall be omitted.

(8) Schedules 1 and 2 shall be omitted.

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<sup>13</sup> GC392/91

<sup>14</sup> GC 187/88

<sup>15</sup> GC392/91

## **Amendment of the Merchant Shipping (Registration) Act 1991<sup>16</sup>**

3. The Merchant Shipping (Registration) Act 1991 shall be amended as follows:

(1) Section 49, (2) shall be substituted by -

“(2) Notwithstanding that the Department is so satisfied, it may refuse any such application if it is satisfied that there is not in force in respect of the vessel any certificate required to be so in force by virtue of:

(a) section 4 of the Fishing Vessels (Safety Provisions) Act 1974 (prohibition on going to sea without appropriate certificates); or

(b) the Fishing Vessel (Safety of 15 – 24 Metre Vessels) Regulations 2002<sup>17</sup>; or

(c) the Fishing Vessel (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001<sup>18</sup>.”

(2) Section 50 (4) there shall be inserted after “fishing vessel survey rules” -

“the Fishing Vessel (Safety of 15 – 24 Metre Vessels) Regulations 2002<sup>19</sup> or the Fishing Vessel (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001<sup>20</sup> as is applicable to the size of the vessel”

(3) Section 51 (2) there shall be inserted after “the fishing vessel survey rules” –

“the Fishing Vessel (Safety of 15 – 24 Metre Vessels) Regulations 2002<sup>21</sup> or the Fishing Vessel (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001<sup>22</sup> as is applicable to the size of the vessel.”

## **Amendment of Merchant Shipping (Registration of Fishing Vessels) Regulations 1991<sup>23</sup>**

4. The Merchant Shipping (Registration of Fishing Vessels) Regulations 1991 shall be amended as follows –

(1) Regulation 26 there shall be substituted as follows –

“26. (a) The owner of every registered fishing vessel of 24 metres registered length and over shall produce the Certificate of Registry of his vessel to the Department for examination at least once every four years or when applying for survey in accordance with Rules applied to the Island by section 7 of the Fishing Vessels (Safety Provisions) (Isle of Man) Act 1974 <sup>(i)</sup>.”

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<sup>16</sup> c.15

<sup>17</sup> S.I. 2002 No.2201 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>18</sup> S.I.2001 No. 9 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>19</sup> S.I. 2002 No.2201 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>20</sup> S.I.2001 No. 9 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>21</sup> S.I. 2002 No.2201 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>22</sup> S.I.2001 No. 9 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>23</sup> GC392/91



(b) The owner of every registered fishing vessel of 15 metre (LOA) to less than 24 metres registered length shall produce the Certificate of Registry of his vessel to the Department for examination at least once every five years or when applying for survey in accordance with Fishing Vessel (Safety of 15-24 Metre Vessels) Regulations 2002<sup>24</sup>; or

(c) The owner of every registered fishing vessel of less than 15 metres length overall shall produce the Certificate of Registry of his vessel to the Department for examination at least once every five years or when applying for survey in accordance with Fishing Vessel (Code of Practice for the Safety of Small Fishing Vessels Regulations) Regulations 2001<sup>25</sup>.”

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<sup>24</sup> S.I. 2002 No. 2201 as applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

<sup>25</sup> S.I. 2001 No. 9 as amended and applied to the Isle of Man by SD 73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2002 (S.I. 2001 No.9) (as amended by S.I. 2002 No. 2201 Fishing Vessel (Safety of 15-24 Metre vessels) Regulations 2002) are applied by SD73/06 Fishing Vessels (Safety Legislation) (Application) Order 2006 with such exceptions, adaptations and modifications made where necessary.

The effect of the application of UK S.I. 2001 No. 9 is to require commercial fishing vessels of less than 15 metres length overall to comply with the provisions of the UK Code of Practice for the Safety of Small Fishing Vessels (as modified to take account of local circumstances).

The Code of Practice introduces a new safety regime for vessels under 15 metres and sets out minimum requirements for equipment to be carried on board. The Code requires vessels to be surveyed and certificated against the requirements of the Code on a 5 yearly basis with an interim inspection to be held in between 27 and 33 months.

The Order provides for it to be an offence to go to sea without complying with the Code of Practice and for any vessel which is not compliant with the Code to be liable to detention.

### **Amendments:**

These Regulations are marked with amendments (in ***bold italic***) made to these Regulations by section 55 of the Interpretation Act 2015 which increase the fines with effect from 1 January 2018.

The functions in these Regulations have been transferred by SD155/10 to the Department of Economic Development and then to the Department for Enterprise by SD2017/0325 the Transfer of Functions (Economic Development and Education) Order 2017 with effect from 24 November 2017.

SD2019/0120 European Union and Trade Act 2019 (Deficiencies)(Enterprise) Regulations 2019 which makes amendments to legislation for which the Department for Enterprise is responsible in order to correct deficiencies resulting from the UK's withdrawal from the EU. The amendments are to regulation 2 (interpretation) and regulation 7 (equivalent provisions).