

The Fishing Vessels Code of Practice for the Safety of Small Fishing Vessels under 12 metres in length

Notice to Designers, Builders, Owners, Employers, Skippers and Crew of Fishing Vessels

This Notice should be read in conjunction with the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations SI 2001 No.9 and the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (Note 1) , as amended.

Summary

This notice draws attention to the Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001 and incorporates the full text of the Code of Practice for the Safety of Small Fishing Vessels with a registered length of less than 12 metres.

1. This Merchant Shipping Notice is associated with The Fishing Vessels (Code of Practice for the Safety of Small Fishing Vessels) Regulations 2001. It sets out the full text of the Code of Practice for the Safety of Small Fishing Vessels.
2. The Regulations give statutory force to the Code of Practice for the Safety of Small Fishing Vessels and replace the requirements of the Fishing Vessels (Safety Provisions) Rules 1975 and the Fishing Vessels (Life Saving Appliance) Regulations 1988 as they apply to fishing vessels with a registered length less than 12 metres.
3. The Regulations and the Code have been introduced following consultation with the industry and other interested bodies. Their introduction represents part of a wider review of the Fishing Vessels (Safety Provisions) Rules 1975 to update existing requirements in order to increase the safety of fishing vessels in foreseeable operating conditions, and the survival of the crew in the event of an accident.
4. To comply with the Code of Practice for the Safety of Small Fishing Vessels, a vessel owner will be required:
 - to carry safety equipment on the vessel appropriate to its length and construction;
 - to complete, or arrange for the completion of, an assessment of the health and safety risks arising in the normal course of work activities or duties on the vessel in accordance with the provisions of the Merchant Shipping and Fishing Vessel (Health and Safety at Work) Regulations 1997
 - to certify annually that the vessel complies with the Code, by declaring that the safety equipment has been properly maintained and serviced in accordance with manufacturers' recommendations and that an appropriate and up to date health and safety risk assessment has been completed; and
 - to present the vessel for inspection by the MCA in accordance with the provisions of the Code.
5. Additionally, the owner of a new vessel should ensure that the vessel is constructed in accordance with the Construction Standards issued by the Seafish Industry Authority (SIFA or Seafish) or an equivalent standard recognised by the MCA.

Note 1 - S.I. 1997 No 2962

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March 2001

File ref. MS 088/001/0291

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THE CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS

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Effective from 1 April 2001

1. Foreword

1.1 The aim of this Code of Practice is to improve safety in the under 12 metre sector of the fishing industry and to raise the safety awareness of all those involved with the construction, operation and maintenance of fishing vessels with a registered length of less than 12 metres.

2. Development

2.1 In 1992 the National Audit Office, in its report entitled "Department of Transport: Ship Safety" noted an increase in the fishing vessel accident rate in the period 1978 to 1989 due in part to an increase in the numbers of smaller vessels, and it observed the absence, until 1990, of any programme of inspection of fishing vessels with a registered length of less than 12 metres. At about the same time a House of Lords Select Committee on Science & Technology recommended that fishing vessels down to 7m in length should be brought within the licensing, crew certification and structural safety regimes for fishing vessels.

2.2 In response, the Surveyor General's Organisation of the Department of Transport (now the Maritime & Coastguard Agency (MCA)), in consultation with industry members of the Fishing Industry Safety Group (FISG), decided to develop a Code of Practice for fishing vessels with a registered length of less than 12 metres as part of a wider review of fishing vessel safety regulations.

2.3 This Code has been developed by the MCA. The content of the Code has been the subject of extensive discussion with representatives of the under 12 metre sector of the fishing industry within a Steering Committee set up by FISG to oversee the Code's development.

2.4 If the Code needs to be up-dated at any time to take account of new statutory requirements that apply to vessels operating under the Code, the organisations involved in the development of the Code will be consulted. Code requirements, including inspection arrangements, will in any event be reviewed not more than 2 years after the Code comes into force, and thereafter at no more than five-yearly intervals, by a Committee comprising of representatives of those organisations involved in the development of the Code, to take into account experience gained from its application.

3. Application

3.1 The Code will apply from 1 April 2001 to all United Kingdom registered fishing vessels with a registered length of less than 12 metres.

4. Code Requirements

4.1 To comply with the Code a vessel owner will be required:

4.1.1 To carry safety equipment on the vessel appropriate to its length and construction (i.e. decked or open). Checklists are at ANNEX 1.1 to 1.4.

4.1.2 To complete, or arrange completion of, an assessment of the health and safety risks arising in the normal course of work activities or duties on the vessel in accordance with the provisions of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 and MGN 20 (M+F). Paragraphs 4.4 to 4.7 below describe the process of risk assessment and current best practice.

4.1.3 To certify annually (using the declaration at ANNEX 2) that the vessel complies with the Code, by declaring that the safety equipment has been properly maintained and serviced in accordance with manufacturers' recommendations and that an appropriate, up to date health and safety risk assessment has been completed. This document should be retained by the vessel owner and produced when requested by the MCA.

4.1.4 To present the vessel for inspection either voluntarily or as requested by the MCA in accordance with the provisions of section 5.

4.2 Additionally, the owner of a new vessel should ensure that the vessel is properly constructed in accordance with the provisions of section 5(1) and the equipment detailed in this Code is properly maintained.

4.3 It is the owner's/skipper's responsibility to ensure that the vessel is operated in accordance with the Code and other relevant regulations at all times.

Risk Assessment

4.4 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 came into force on 31 March 1998. Under those regulations employers are required to make a suitable and sufficient assessment of the risks to the health and safety of workers arising in the normal course of their activities or duties. Guidance on these regulations and on the principles of risk assessment is contained in a Marine Guidance Note (currently MGN 20 M+F).

4.5 A risk assessment is intended to be a careful examination of what, in the nature of operations, could cause harm, so that decisions can be made as to whether enough precautions have been taken or whether more should be done.

4.6 The assessment should first identify the hazards that are present and then establish whether a hazard is significant and whether it is already covered by satisfactory precautions to control the risk, including consideration of the likelihood of the failure of those precautions that are in place.

4.7 It is not a requirement of the Merchant Shipping and Fishing Vessels (Health and Safety at Work Regulations) 1997 that risk assessments be written. **Nevertheless, the MCA strongly recommends that such assessments be written.** An example of a suitable standard of written risk assessment is included in the Fishing Vessel Safety Folder developed by and available from Seafish, which also provides pro-forma guidance on fishing vessel risk assessment, both generally and in relation to particular modes of fishing.

5. Compliance Procedures and Inspections

New Vessels

5.1 New fishing vessels, with a registered length of less than 12 metres, (defined as those for which a keel was laid or construction or lay-up was started after 1 April 2001) must comply with the Construction Standards issued by Seafish or an equivalent standard recognised by MCA prior to commencement of construction. A certificate showing compliance with the Seafish standards or an equivalent standard must be issued by the construction standard authority.

5.2 To operate a new vessel under the Code the owner must complete a health and safety risk assessment, the vessel must have been inspected by MCA and an Inspection Form issued, and a compliance certificate must have been issued by the construction standard's authority. Thereafter, the vessel must maintain compliance with The Code.

Existing Vessels

5.3 The owner of every existing fishing vessel with a registered length of less than 12 metres must ensure that the vessel complies with the checklist of requirements appropriate to the length and construction of the vessel, that a health and safety risk assessment has been completed, and that a self-certification declaration has been completed.

5.4 One month before the Code comes into effect the MCA will write to owners of all existing fishing vessels with a registered length of less than 12 metres explaining the

action to be taken on entry into force of the Code.

All Vessels

Inspections

5.5 A vessel may be inspected by the MCA at any time to check compliance with Code requirements. On satisfactory completion of the inspection an Inspection Form will be issued. If deficiencies are found which necessitate follow-up visits, fees will be charged to the owner in accordance with the MCA fee regulations applicable at the time of the follow-up visit.

Annual Self-Certification

5.6 Within 1 month of the anniversary of the vessel's registration, the owner (or other competent person employed by the owner) must inspect the vessel to confirm that the safety equipment carried on board the vessel has been suitably maintained, that the safety and other specified equipment continues to comply with the checklist of safety equipment appropriate to the length and construction of the vessel. The health and safety risk assessment must also be checked to ensure that it remains appropriate to the vessel's fishing method and operation. If there has been a change of fishing method or of operational practice since the previous health and safety risk assessment was completed, the assessment should be revised accordingly.

5.7 On completion of these annual checks, the owner should sign a self-certification declaration confirming that the vessel complies with the Code, and retain the declaration for inspection purposes.

Change of ownership

5.8 Risk assessments of the vessel are particular to each employer. When a vessel is sold, the new owner must complete, or arrange the completion of, a new risk assessment and self-assessment in accordance with paragraph 5.6.

Penalties

5.9 A vessel that is found, in the course of inspection, not to have been equipped, the safety equipment properly maintained, assessed and self-certificated in accordance with the Code will be liable to detention by the MCA. An owner whose vessel fails to comply with the Code or who makes a false declaration may be liable to prosecution. A skipper who fails to operate the vessel in accordance with the Code may be liable to prosecution.

Appeal Procedures

5.10 If an owner is dissatisfied with an inspection and agreement cannot be reached with the person who carried out the inspection, the owner may refer the matter to the Principal Marine Surveyor (Fishing Vessels) in the Region where the vessel was inspected.

5.11 Should the above procedure fail to resolve the disagreement, the owner may refer the matter to the Head of Maritime Operations at MCA headquarters, and, if necessary, to the MCA Chief Executive who will ensure the complaint is looked into thoroughly.

5.12 If an owner is still not content with the way in which the complaint has been handled by the MCA, a request may be made for it to be referred to an adjudicator who is independent of the MCA.

CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS: CHECK LIST OF REQUIREMENTS

DECKED Vessels 10m and above Registered Length to less than 12m Registered Length

ITEM	Remarks/compliance	Expiry/Service Date
Lifejackets - 1 per person		
Liferafts		
2 Lifebuoys (1 with 18m buoyant line attached) or 1 Lifebuoy (fitted with 18m buoyant line) + 1 Buoyant Rescue Quoit		
3 Parachute flares		
2 Hand-held flares		
1 Smoke Signal (buoyant or handheld)		
1 Fire bucket + Lanyard		
1 Multi-purpose Fire Extinguisher (fire rating 5A/34B)		
1 Fire Blanket (light duty) in galley or cooking area (if applicable)		
1 Fire Pump + Hose or 1 Fire Bucket + 1 Multi-purpose Fire Extinguisher (fire rating 5A/34B) + 1 fixed Fire Extinguishing system for the machinery space		
1 Multi-purpose Fire Extinguisher for oil fires (fire rating 13A/113B)		
VHF Radio - fixed or hand held		
Bilge Pump		
Bilge Alarm		
Navigation Lights & Sound Signals		
Compass		
Waterproof Torch		
Medical Kit		

Notes:

- (i) Equipment need not be MCA approved provided it is fit for its intended purpose.
- (ii) "Decked vessels" means a vessel with a continuous watertight weather deck that extends from stem to stern and has positive freeboard throughout, in any condition of loading the vessel.
- (iii) VHF using DSC is highly recommended in view of cessation of the Coastguard's Channel 16 dedicated headset watch on 1st February 2005.

CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS: CHECK LIST OF REQUIREMENTS

ALL DECKED Vessels up to 10m Registered Length

Item	Remarks/compliance	Expiry/Service Date
Lifejackets - 1 per person		
2 Lifebuoys (1 with 18m buoyant line attached)		
or		
1 Lifebuoy (fitted with 18m buoyancy line) + 1 Buoyant Rescue Quoit		
3 Parachute Flares		
2 Hand-held Flares		
1 Smoke Signal (buoyant or hand held)		
1 Fire Bucket + Lanyard		
1 Multi-purpose Fire Extinguisher (fire rating 5A/34B)		
1 Fire Blanket (light duty) in galley or cooking area (if applicable)		
1 Fire Pump + Hose		
or		
1 Fire Bucket		
1 Multi-purpose Fire Extinguisher for oil fires (fire rating 13A/113B)		
VHF Radio – fixed or hand held		
Bilge Pump		
Bilge Alarm		
Navigation Lights & Sound Signals		
Compass		
Waterproof Torch		
Medical Kit		

Notes:

(i) Equipment need not be MCA approved provided it is fit for its intended purpose.

(ii) "Decked vessels" means a vessel with a continuous watertight weather deck that extends from stem to stern and has positive freeboard throughout, in any condition of loading the vessel.

(iii) VHF using Digital Selective Calling (DSC) is highly recommended in view of cessation of the Coastguard's Channel 16 dedicated headset watch on 1st February 2005.

**CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS:
CHECK LIST OF REQUIREMENTS**

OPEN Vessels 7m and above to less than 12m Registered Length

Item	Remarks/compliance	Expiry/Service Date
Lifejackets - 1 per person		
2 Lifebuoys (1 with 18m buoyant line attached) or 1 Lifebuoy (with 18m buoyant line) + 1 Buoyant Rescue Quoit		
3 Parachute Flares		
2 Hand-held Flares		
1 Smoke Signal (buoyant or hand held)		
1 Fire Bucket + Lanyard		
1 Multi-purpose Fire Extinguisher (fire rating 5A/34B)		
1 Fire Blanket (light duty) in galley or cooking area (if applicable)		
1 Fire Pump + Hose or 1 Fire Bucket		
1 Multi-purpose Fire Extinguisher for oil fires (fire rating 13A/113B)		
VHF Radio – fixed or hand held		
Bilge Pump		
Navigation Lights & Sound Signals		
Compass		
Waterproof Torch		
Medical Kit		

Notes:

- (i) Equipment need not be MCA approved provided it is fit for its intended purpose.
- (ii) VHF using Digital Selective Calling (DSC) is highly recommended in view of cessation of the Coastguard's Channel 16 dedicated headset watch on 1st February 2005.

**CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS:
CHECK LIST OF REQUIREMENTS**

OPEN Vessels less than 7m Registered Length

Item	Remarks/compliance	Expiry/Service Date
Lifejackets – 1 per person		
1 Lifebuoy (with 18m buoyant line attached)		
2 Parachute Flares		
2 Hand-held Flares		
1 Smoke Signal, buoyant or hand held		
1 Fire Bucket + Lanyard		
1 Multi-purpose Fire Extinguisher (fire rating 5A/34B) - if vessel has in- board engine		
1 Fire Blanket (light duty) if vessel has galley or cooking area		
VHF Radio – fixed or hand held		
Bailer		
Navigation Lights & Sound Signals		
Compass		
Waterproof Torch		
Medical Kit		

Notes:

- (i) Equipment need not be MCA approved provided it is fit for its intended purpose.
- (ii) VHF using Digital Selective Calling (DSC) is highly recommended in view of cessation of the Coastguard's Channel 16 dedicated headset watch on 1st February 2005.

THE FISHING VESSELS (CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS)
REGULATIONS 2001

ANNUAL SELF CERTIFICATION (Owner to verify and sign in spaces below that vessel complies)

Name of Owner

Address of Owner

.....

.....

Name of Vessel.....

RSS No..... Length Overall

Registered Length Date of Registration

Hull Identification No..... Mode(s) of Fishing

Port letters and number.....

I HEREBY CERTIFY, in respect of the above named vessel, that:

- i. The safety and other specified equipment have been checked in accordance with the attached checklist;
- ii. Such safety and other specified equipment carried are in accordance with the requirements of the Code;
- iii. Such safety and other specified equipment has been properly maintained and serviced in accordance with manufacturers' recommendations;
- iv. Where applicable a risk assessment* of work activities and duties has been completed in accordance with the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997;

*The health and safety risk assessment is written - Yes/No (delete as appropriate)

1st Signature of Owner Date.....

2nd Signature of Owner Date.....

3rd Signature of Owner Date.....

4th Signature of Owner Date.....

5th Signature of Owner Date.....

THE FISHING VESSELS (CODE OF PRACTICE FOR THE SAFETY OF SMALL FISHING VESSELS) REGULATIONS 2001: GUIDANCE FOR SURVEYORS, INSPECTORS AND FISHERMEN

Lifejackets should be of the solid-filled type, or should comply with BS EN 396 or BS EN 399, with automatic gas inflation and at least 150 Newtons buoyancy. One lifejacket per person carried, fitted with light, whistle and reflective tape.

Liferafts should either be float free, fitted with an hydrostatic release unit (HRU), or stowed in a position where it is accessible for deployment in an emergency. It/they should have a capacity sufficient for the total number of persons on board.

Lifebuoys should be marked with the vessel name and port of registry or fishing vessel number and fitted with reflective tape and may be circular or horseshoe in shape.

Flares and smoke signals should be of an acceptable type and within their expiry date.

Fire buckets should be heavy duty with a Lanyard.

Fire extinguishers should where practical comply with the stated fire ratings. However existing extinguishers of equivalent capacity, provided they have been maintained and serviced are acceptable. All extinguishers should be inspected and serviced annually by a competent person.

Fire blankets for the galley or cooking appliance should be of light duty to BS 7944 (this standard has superceded 6575) or a recognised equivalent BS EN 1869

Fire pumps can be a hand pump or any other pump that supplies water from the sea onto the deck with a hose suitable for fire fighting purposes.

Fixed fire-fighting systems should be an approved system or a fixed fire extinguisher of sufficient capacity arranged to discharge directly into the machinery space.

Navigation lights and sound signals:

1. Any vessel that operates between sunset and sunrise or in times of restricted visibility must exhibit the navigation and fishing lights prescribed in the Collision Regulations.
2. A masthead light or all round white light of 2-mile range, is to be 1 metre higher than sidelights.
3. Sidelights of 1 mile range at a height above the uppermost continuous deck not greater than three-quarters the height of the masthead light.
4. A Stern light of 2-mile range if the masthead light (number 2) is carried.
5. An all-round white light of 2 mile range when trawling or fishing as referred to in number 7 below (that may also on its own be used as an anchor light). An all-round white anchor light is required if anchored in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate.
6. The all-round white light (number 5) to be more than 2 metres above the gunwales and above the sidelights (number 3) at more than twice the distance between the vertical lights (numbers 5 and 7).
7. An all-round light (green if trawling, red if fishing other than trawling) at least 1 metre above the all-round white light (number 5) and of 2 mile range.
8. Alternatively, a vessel under 7 metres, with speed less than 7 knots may instead of the above lights exhibit one all-round white light of 2 mile range and if practical, sidelights or a combination lantern.
9. Additionally for vessels of greater than 12 metres overall length, a bell is required and the range of the masthead light is extended to 3 miles.

