



MERCHANT SHIPPING ACT 1985

FISHING VESSELS (LIFE-SAVING APPLIANCES) REGULATIONS 1988

1. The Fishing Vessels (Life-Saving Appliances) Regulations 1988, a copy of which is attached, were made by the former Department of Highways, Ports and Properties on the 8th. July 1988.
2. These Regulations make requirements for life-saving appliances additional to those contained in Part IIIA of the Fishing Vessels (Safety Provisions) Rules 1975 and provide for-
 - (a) the carriage of emergency position-indicating radio beacons by fishing vessels of 12 metres and over in length (reg.3);
 - (b) the carriage of lifejackets with lifejacket lights by fishing vessels of less than 12 metres in length for each person carried and at least one extra lifejacket (Reg.4 and Schedules 1 and 2);
 - (c) float free arrangements for liferafts carried by fishing vessels of 12 metres and over in length (Reg.5 and Schedule 3).

The Regulations came into force on the 1st. August, 1988. EPIRBs operating on 121.5 MHz will be accepted until 1st. August, 1992. All EPIRBs are required to be fitted before 1st. June, 1989.

3. This text includes the amendments (indicated by *bold italics*) made to the 1988 Regulations by -
 - (a) Merchant Shipping Registration Act 1991 [c. 15];
 - (b) Criminal Justice (Penalties Etc.) Act 1993 [c. 18].
 - (c) Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)
 - (d) Fishing Vessel (Safety Legislation) (Application) Order 2006(SD73/06)

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MERCHANT SHIPPING ACT 1985

FISHING VESSELS (LIFE-SAVING APPLIANCES) REGULATIONS 1988

In exercise of the powers conferred on the Department of Highways, Ports and Properties ^(a) by sections 1, and 2 of the Merchant Shipping Act 1985 ^(b), and after consultation with the Secretary of State and those persons referred to in section 2(2) of that Act and of all other powers enabling it in that behalf, the following Regulations are hereby made:-

Citation and Commencement

1. (1) These Regulations may be cited as the Fishing Vessels (Life-Saving Appliances) Regulations 1988.

(2) These Regulations shall come into operation on 1st. August, 1988.

Interpretation, and Application

2. (1) In these Regulations -

“constructed” in respect of a vessel means a stage of construction where-

- (a) the keel is laid; or
- (b) construction identifiable with a specific vessel begins; or
- (c) assembly of that vessel has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less;

“Department” means the *Department of Trade and Industry*;

“EPIRB” means Emergency Position-Indicating Radio Beacon;

“expiry date” in relation to any source of energy means the expiry date marked on that source of energy;

“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 other than for profit;

(a) Functions Transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)

(b) 1985 c. 3

“float-free arrangement” means an arrangement for the launching of safety equipment whereby the equipment is automatically released from a sinking vessel;

“length” means the registered length shown on the vessel's certificate of registry;

“Manx fishing vessel” means a fishing vessel which is a Manx ship.

“person” means a person over the age of one year; and

“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 1991¹, 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;

“survival craft” means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

(2) A reference in these Regulations to any British Standard or specification shall include a reference to any document amending that publication which is considered by the Department to be relevant from time to time and is specified in a Manx Shipping Notice.

(3) References in these Regulations to any statutory provision shall be construed as a reference to that provision as it has effect in the Island.

(4) These Regulations apply to Manx fishing vessels of 24 metres registered length and over.

Emergency Position-Indicating Radio Beacon

3. (1) Every fishing vessel shall carry an EPIRB; capable of operating on the frequency of 406MHz: provided that in place of this requirement until 1st. August 1992 the Department may permit the carriage of an EPIRB not capable of operating on the frequency of 406MHz.

(2) Each EPIRB required to be carried by paragraph (1) above shall-

(a) be fitted to the vessel-

(i) mounted on a float-free arrangement whose operation will activate the EPIRB; and

¹ GC392/91

- (ii) in such a position that it is protected from possible damage and can easily be removed from its mounting and placed in any survival craft:

Provided that the Department may in place of the above requirement permit an EPIRB to be fitted in each of the inflatable liferafts required to be carried on vessels of 12 metres and over if it is satisfied that the arrangements for stowage and activation are at least as effective as being mounted on a float-free arrangement, and the fitting of the EPIRB is completed before the 1st. June, 1989.

- (b) have its source of energy replaced whenever necessary and at least before the expiry date shown on the source of energy;
- (c) as far as practicable, be in a condition capable of operation at all times when the vessel is at sea or proceeding to sea;
- (d) conform to relevant performance specifications.

4. omitted by SD73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006

Liferaft float-free arrangements

5.- (1) The liferafts required by the Fishing Vessels (Safety Provisions) Rules 1975 ^(c) to be carried by a fishing vessel of shall be secured in such a way that they are automatically released and be float-free if the vessel sinks.

(2) The arrangements required by paragraph (1) shall be such that every liferaft carried is stowed-

- (a) with its painter permanently attached to the vessel and with a float-free arrangement complying with the requirements of Schedule 3 so that the liferaft floats free and, if inflatable, inflates automatically when the vessel sinks, and
- (b) to permit manual release from its securing arrangements.

(b) S.I. 1975/330 Applied to the Island by GC 75/77

Equivalents and exemptions

6. (1) Where these Regulations require that a particular device, mechanism, material, appliance, standard, or type thereof, shall be fitted and carried in the vessel, or that any particular provision should be made, the Department may permit any other device, mechanism, material, appliance, standard, or type thereof, to be fitted or carried, or any other provision to be made in that ship if it is satisfied by trial thereof or otherwise that such other device, mechanism, material, appliance, standard or type thereof, or provision is at least as effective as that required by these Regulations.

(2) The Department may exempt any vessel or description of vessel from all or any of the provisions of these Regulations (as may be specified in the exemption) if it is satisfied that compliance with such provision is either impracticable or unreasonable in the case of that vessel or description of vessels on such terms (if any) as it may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Power to detain

7. In any case where a vessel does not comply with the requirements of these Regulations, the vessel shall be liable to be detained and *section 74 of the Merchant Shipping Registration Act 1991* ^(d) (which relates to the detention of a vessel) shall have effect in relation to the vessel, subject to the modification that for the words “this Act” wherever they appear, there were substituted “the Fishing Vessels (Life-Saving Appliances) Regulations 1988” .

Penalties

8.- (1) If a vessel to which these Regulations apply proceeds to sea without complying with the requirements of regulations 3 or 5, the owner and skipper of the vessel shall each be guilty of an offence and liable on summary conviction to a fine not exceeding **£5,000**.

(2) *omitted by SD73/06*

(3) It shall be a defence to a charge under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

(d) 1991 c. 15

REQUIREMENTS FOR LIFEJACKETS AND ATTACHMENTS

*Schedule 1 omitted in its entirety by SD73/06 Fishing Vessel (Safety Legislation)
(Application) Order 2006*

SCHEDULE 2

Regulation 4(3)

LIFEJACKET LIGHTS

*Schedule 2 omitted in its entirety by SD73/06 Fishing Vessel (Safety Legislation)
(Application) Order 2006*

SCHEDULE 3

Regulation 5

LIFERAFT FLOAT FREE ARRANGEMENTS

General

1. Float free arrangements shall provide for a liferaft to be released automatically in the event of a vessel's sinking.

Painter System

2. The liferaft painter system shall provide a connection between the ship and the liferaft and shall be so arranged as to ensure that the liferaft when released and in the case of an inflatable liferaft, inflated, it is not dragged under by the sinking vessel.

Hydrostatic Release Unit

3. (1) A hydrostatic release unit used in float-free arrangements shall be so constructed that-

- (a) the materials used are compatible so as to prevent malfunction of the unit; galvanising or other forms of metallic coating on parts of the release unit will not be accepted;
- (b) it has drains to prevent the accumulation of water in the hydrostatic chamber when the unit is in its normal position;
- (c) each part connected to the painter system has a strength not less than that required by the painter;
- (d) it can readily be removed for replacement or annual servicing.

(2) Materials and components shall be corrosion-resistant and not affected by seawater, oil or detergents.

(3) A hydrostatic release unit shall-

- (a) function properly throughout an air temperature range of -30°C to $+65^{\circ}\text{C}$;
- (b) function properly throughout a seawater temperature range of -1°C to $+30^{\circ}\text{C}$;
- (c) automatically release the liferaft at a depth of not more than 4 metres;

- (d) not release prematurely when seas wash over the unit;
- (e) be capable of releasing a liferaft when the stowage is-
 - (i) horizontal;
 - (ii) tilted 45 ° and 100 ° with the hydrostatic release unit at the upper side;
 - (iii) tilted 45 ° and 100 ° with the hydrostatic release unit at the lower side;
 - (iv) vertical.

(4) A hydrostatic release unit shall be marked permanently on its exterior with a means of identifying its type, serial number, depth at which it will release, and in addition if of a type which-

- (a) requires annual servicing with its date of manufacture and a small plate permanently attached to the unit for recording the date of servicing,
- (b) is disposable, with the date at which it must be replaced.

(5) Instructions and information shall be provided in English in a clear and concise form and shall include the following-

- (a) general description of the unit;
- (b) installation instructions;
- (c) any on board maintenance requirements;
- (d) servicing requirements.

Weak Link

4. (1) A weak link used in the float free arrangements shall-
- (a) be made from a material which is corrosion resistant and not affected by seawater, oil or detergent;
 - (b) when made of cordage have the ends either whipped or heat treated;
 - (c) when made from a flexible wire have each end looped around a thimble and secured with a locking ferrule.
- (2) A weak link shall be of sufficient strength to-
- (a) pull the painter out of the liferaft container;
 - (b) operate the liferaft inflation system;
 - (c) break under a tensile force of between 1.8 and 2.6 kN.

Made this 8th day of July, 1988

A. Arnold Callin,

MINISTER for
Highways, Ports and Properties

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make requirements for life-saving appliances additional to those contained in Part IIIA of the Fishing Vessels (Safety Provisions) Rules 1975 and provide for-

- (a) the carriage of emergency position-indicating radio beacons by fishing vessels (reg. 3);
- (b) float free arrangements for liferafts carried by fishing vessels of 24 metres and over in length (reg. 5 and Schedule 3).

The Regulations come into force on the 1st August, 1988. EPIRBs operating on 121.5 MHz will be accepted until 1st August, 1992. All EPIRBs are required to be fitted before 1st June, 1989.

Amendment to the application of these Regulations:

These Regulations are amended by SD73/06 Fishing Vessel (Safety Legislation) (Application) Order 2006 so that they only apply to vessels of over 24 metres registered length or over. In so far as these regulations previously applied to fishing vessels under 24 metres in length they are replaced by the provisions contained in SD73/06.