



Jersey

SHIPPING (FISHING VESSELS SAFETY CODES OF PRACTICE) (JERSEY) REGULATIONS 2015

Arrangement

Regulation

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Made

14th April 2015

Coming into force

14th July 2015

THE STATES, in pursuance of Regulations 49 and 196 of the Shipping (Jersey) Law 2002¹, have made the following Regulations –

1 Fishing vessels of less than 15 metres in length overall

- (1) This Regulation applies to any fishing vessel registered in Jersey, wherever the vessel may be, that is less than 15 metres in length overall.
- (2) For the purpose of paragraph (1) the “length overall” of a fishing vessel shall be determined in accordance with the Tonnage Regulations.
- (3) Any fishing vessel to which this Regulation applies must comply with the requirements of the Jersey Fishing Vessels Code of Practice for the Safety of Small Fishing Vessels, as amended from time to time by the Registrar and published in such way as the Registrar best considers will bring the requirements to the attention of those on whom they are imposed.
- (4) Where any provision in the Code referred to in paragraph (3) makes a reference to an action that should be taken, that reference is to be taken to be a requirement.

2 Fishing vessels of 15 metres or more overall but less than 24 metres in length

- (1) This Regulation applies to any fishing vessel registered in Jersey, wherever the vessel may be, that is 15 metres or more in length overall but less than 24 metres in registered length.
- (2) For the purpose of paragraph (1) the “length overall” of a fishing vessel shall be determined in accordance with the Tonnage Regulations.
- (3) Any fishing vessel to which this Regulation applies must comply with the requirements of the Jersey Code of Safe Working Practice for the Construction and Use of Fishing Vessels of 15 Metres or More Overall but Less than 24 Metres in Registered Length, as amended from time to

time by the Registrar and published in such way as the Registrar best considers will bring the requirements to the attention of those on whom they are imposed.

- (4) Where any provision in the Code referred to in paragraph (3) makes a reference to an action that should be taken, that reference is to be taken to be a requirement.

3 Inspection and certificates

- (1) Subject to paragraphs (2) and (3), a fishing vessel to which Regulation 1 or 2 applies shall not be taken to comply with the Code referred to in Regulation 1(3), or 2(3), as the case may be, unless there is in force, in relation to that fishing vessel a certificate of compliance issued –
- (a) by an inspector or surveyor appointed by the Minister under Regulation 4 or under Article 154 of the Law;
- (b) following examination of the fishing vessel by the inspector or surveyor.
- (2) The Minister may grant, on such terms as he or she may specify, an exemption for an individual fishing vessel from a specified requirement of the Code which would otherwise apply in relation to that fishing vessel by virtue of these Regulations;
- (3) The Minister may extend the period of validity of a certificate of compliance issued under paragraph (1), or an exemption granted under paragraph (2), on such terms as he or she may specify.
- (4) The Minister may accept as evidence a certificate of compliance issued otherwise than in accordance with paragraph (1) which –
- (a) in the Minister's opinion demonstrates that a fishing vessel complies with requirements as to safety which are equivalent to, or more stringent than, those in the Code which applies to the fishing vessel in question under Regulation 1 or 2, as the case may be; and
- (b) is in force in relation to the fishing vessel in question.

4 Enforcement and power to detain

- (1) For the purpose of enforcement of these Regulations a surveyor or inspector appointed by the Minister shall have the power to inspect or detain a fishing vessel and have all the powers of an inspector under the Shipping Law (Jersey) 2002.
- (2) Article 177 of the Shipping (Jersey) Law 2002² shall have effect in relation to a fishing vessel detained under these Regulations.

5 Offences

- (1) If a fishing vessel to which Regulation 1 applies is taken out to sea, or an attempt is made to take it out to sea, when it does not comply with the Code referred to in Regulation 1(3), the master and each owner of the

vessel shall be guilty of an offence and liable to imprisonment for a term of 2 years and a fine.

- (2) If a fishing vessel in respect to which Regulation 2 applies is taken out to sea, or an attempt is made to take it out to sea, when it does not comply with the Code referred to in Regulation 2(3), the master and each owner of the vessel shall be guilty of an offence and liable to imprisonment for a term of 2 years and a fine.
- (3) It shall be a defence to a charge under paragraph (1) or (2) to prove that the owner or master took all reasonable steps to avoid committing the offence.

6 Citation and commencement

These Regulations may be cited as the Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) Regulations 2015 and shall come into force 3 months after they are made.

L.-M. HART

Deputy Greffier of the States

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- ¹ *chapter 19.885*
² *chapter 19.885*