L.N. 305 of 2003

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Fishing Vessels) (Minimum Safety and Health Requirements) Regulations, 2003

IN exercise of the powers conferred by article 374 of the Merchant Shipping Act, the Minister for Transport and Communications has made the following regulations:–

Citation and commencement.

1. (1) The title of these regulations is the Merchant Shipping (Fishing Vessels) (Minimum Safety and Health Requirements) Regulations, 2003.

(2) These regulations shall come into force on such date as the Minister responsible for shipping may by notice in the Gazette appoint and different dates may be so appointed for different purposes of the said regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires –

"the Act" means the Merchant Shipping Act;

"the Authority" has the same meaning as is assigned to it in the Act;

"the Directive" means Council Directive 93/103/EC of the 23 November, 1993, Concerning the Minimum Safety and Health Requirements for Work on board Fishing Vessels;

"the Minister" has the same meaning as is assigned to it in the Act;

L.N. 148 of 2002.

"Medical Stores Regulations" means the Merchant Shipping (Medical Stores) Regulations, 2002;

"new fishing vessel" means a fishing vessel with a length between perpendiculars of 15 metres or over and for which, on or after the 23 November, 1995:

(a) a building or major conversion contract is placed;

(b) the building and major conversion contract had been placed before the 23 November, 1995 and which was or will be delivered three or more years after such date; or

(c) in the absence of a building contract:

(i) the keel is laid, or

(ii) construction identifiable with a specific vessel begins, or

(iii) assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

"existing fishing vessel" means any fishing vessel with a length between perpendiculars of 18 metres or over and which is not a new fishing vessel;

"vessel" means any new or existing fishing vessel;

"worker" means any person carrying out an occupation on board a vessel, including trainees and apprentices but excluding shore personnel carrying out work on board a vessel at the quayside and port pilots;

Application.

"skipper" shall have the same meaning as the term "master" in the Act.

3. These regulations are to apply to fishing vessels used for commercial purposes either for catching or catching and processing fish or other living resources from the sea.

Duty to report occurances at sea.

4. (1) The skipper shall carefully record in detail any occurrences at sea which affect or could affect the safety and health of the workers on board in the ship's log, and in the absence of such a log in a document required for the purpose. In the event of serious, imminent and unavoidable danger when workers leave their workstation and, or a dangerous area, account is to be taken of the hazards faced by such workers.

New fishing vessels.

(2) The skipper shall also forward a detailed report of the occurrence to the Authority.

Existing fishing vessels.

5. New fishing vessels shall comply with the minimum safety and health requirements laid down in Schedule I to these regulations.

6. Existing fishing vessels shall comply with the minimum safety and health requirements laid down in Schedule II to these regulations.

Extensive repairs, conversions and alterations.

7. Where fishing vessels undergo extensive repairs, conversions and alterations, such extensive repairs, conversions and alterations must comply with the relevant minimum requirements laid down in Schedule I to these regulations.

Owner's responsibilities.

8. Any vessel owner, without prejudice to the skipper's responsibility, is to the ensure that:

(a) such owner's vessel is used without endangering the safety and health of workers, in particular in foreseeable meteorological conditions;

(b) the vessel and its fittings and equipment, particularly those referred to in Schedules I and II, are technically maintained, and that any defects found which are likely to affect the safety and health of workers are rectified as quickly as possible;

(c) the vessel and all fittings and equipment are cleaned regularly in order to maintain an appropriate standard of hygiene;

(d) an adequate quantity of suitable emergency and survival equipment in good working order is kept on board the vessel;

(e) the minimum safety and health requirements concerning life-saving and survival equipment referred to in Schedule III to these regulations are taken into account;

(f) without prejudice to the provisions of the Minimum Requirements for the use of Personal Protective Equipment at Work Regulations, 2003, the personal protective equipment specifications given in Schedule IV to these regulations are taken into account; L.N. 121 of 2003.

(g) the skipper is supplied with all the means needed to enable him to fulfill the obligations imposed upon him by these regulations.

Information to, consultation with and training of workers. L.N. 11 of 2002. L.N. 36 of 2003.

9. (1) Without prejudice to Regulation 9 of the Work Place (First Aid) Regulations, 2002 and Regulation 14 of the General Provisions for Health and Safety at Work Places Regulations, 2003, workers and, or their representatives shall be informed of all measures to be taken regarding safety and health on board the fishing vessel. The information must be comprehensible to the workers concerned.

(2) The consultation of workers and, or their representatives and their participation in discussions on the matters covered by these regulations and their schedules shall take place in accordance with regulation 13 of the General Provisions for Health and Safety at Work Places Regulations, 2003.

(3) Without prejudice to regulation 14 of the General Provisions for Health and Safety at Work Places Regulations, 2003, all workers on the fishing vessel are to be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention in particular. The training shall cover in particular fire fighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals. Such training shall be subject to the necessary updating when this is required by changes in the activity on board.

(4) Without prejudice to sub-regulation 6(2) of the Merchant Shipping (Medical Stores) Regulations, 2002, the skipper and any other person likely to take command of the vessel shall be given detailed training in:

(a) the prevention of occupational illness and accidents on board and the steps to be taken in the event of an accident;

(b) stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; and

Maximum hours of work.

(c) radio navigation and communication including procedures.

10. (1) Any worker on board a sea-going fishing vessel shall be entitled to adequate rest and shall work for a number of hours that does not exceed:

(i) 14 hours in any 24-hour period
(ii) 72 hours in any seven-day period
(iii) a weekly average of 48 hours, as calculated over a maximum reference period of 12 months.

(2) Hours of rest may be divided into no more than two periods, one of which must be at least six hours in length and the interval between consecutive periods of rest shall not exceed 14 hours.

(3) The skipper shall have the right to require workers on board to perform any hours of work necessary for the immediate safety of the vessel, persons on board or cargo, or for the purpose of giving assistance to other vessels or persons in distress at sea.

(4) Workers on board sea-going fishing vessels for which any national legislation or practice determines that these vessels are not allowed to operate in specific periods of the calendar year exceeding one month, shall take annual leave in accordance with the provisions of the Merchant Shipping (Hours of Work) Regulations, 2002, within the above mentioned period. L.N. 213 of 2003.

11. Where a serious breach of these regulations results, any license issued for fishing purposes may be suspended or may not be renewed. Breach of regulations.

12. (1) The Minister may exempt any fishing vessel that embodies features of a novel kind from any of the requirements of these regulations, the application of which might seriously impede research into the development of such features and their incorporation in vessels**.** Any such vessel shall, however, comply with safety requirements, which, in the opinion of the Minister, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel**.** Exemptions and exceptions.

(2) The Minister may exempt any fishing vessel engaged solely in fishing near the coast of Malta from any of the requirements of these regulations if he considers that their application is unreasonable and impracticable in view of the distance of the vessel's operating area from its port of departure in Malta, the type of vessel**,** the weather conditions and the absence of general navigational hazards, provided that it complies with safety requirements which, in the opinion of the Minister, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel**.**

(3) The Minister may under conditions that he may deem fit allow exceptions to the limits laid down in regulation 10, including the establishment of reference periods. Such exceptions shall, as far as possible, comply with the standards laid down in these regulations but may take account of more frequent or longer leave periods or the granting of compensatory leave for the workers.

13. Where these regulations require that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or that particular provisions shall be made, the Minister shall permit the hull or machinery of the ship to be constructed in any other manner, or any other equipment to be provided or other provision made, if he is satisfied by trial thereof or otherwise Equivalents.

that such other construction, equipment or provision is at least as effective as that required by these regulations.

Duty to ensure compliance.

14. It shall be the duty of the owner, of the company which has assumed the operation of the vessel and the skipper to ensure that the vessel is in compliance with the provisions and requirements of these regulations and such person, if in fault, shall be liable to a fine (*multa)* not exceeding 500 units.

SCHEDULE I

(Regulations 5, 7 and 8)

MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR NEW FISHING VESSELS

Preliminary Note
The obligations laid down in this Schedule apply whenever required by the features of the workplace, the activity, the circumstances or a risk on board a new fishing vessel.

1. Seaworthiness and stability

1.1. The vessel must be maintained in a seaworthy condition and be properly equipped appropriate to its purpose and use.

1.2. Information on the vessel's stability must be available on board and must be accessible to the men on watch.

1.3. All vessels must be sufficiently stable when intact in the conditions of service for which they are intended. The skipper must take the precautionary measures necessary to maintain adequate stability of the vessel. Instructions supplied concerning the vessel's stability must be strictly observed.

2. Mechanical and electrical installations

2.1. Electrical installations must be designed and constructed so as not to present any danger and so as to ensure:

2.1.1 protection for the crew and vessel from electrical hazards,

2.1.2 the proper functioning of all equipment necessary to maintain the vessel in normal operational and living conditions without recourse to an emergency power supply,

2.1.3 the operation of electrical equipment essential for safety in all emergencies.

2.2. An emergency electrical power source must be provided. Except in open vessels, it must be located outside the engine room and must, in all cases, be so arranged as to ensure in the event of fire or other failure of the main electrical installation, simultaneous functioning for at least three hours of:

2.2.1 the internal communication system, fire detectors and emergency signals,

2.2.2 the navigation lights and emergency lighting,

2.2.3 the radio installation,

2.2.4 the emergency electrical fire pump where present.

If the emergency electrical power source is an accumulator battery and the main electrical power source fails, the accumulator battery must be automatically connected to the emergency electrical switchboard and supply power for an uninterrupted period of three hours to the systems referred to in items 2.2.1, 2.2.2 and 2.2.3. The main electrical switchboard and the emergency switchboard must, to the extent possible, be installed in such a way that they cannot be exposed simultaneously to water or fire.

2.3. Switchboards should be clearly marked; fuse boxes and fuse holders should be checked at regular intervals to ensure that the correct rating of fuse is being used.

2.4. Compartments housing electrical storage batteries must be adequately ventilated.

2.5. Electronic aids to navigation should be tested frequently and well maintained.

2.6. All equipment used in hoisting should be tested and examined at regular intervals.

2.7. All parts of hauling gear, hoisting gear and related equipment should be maintained in good repair and working order.

2.8. Where refrigeration plants and compressed air systems are installed they should be well maintained and examined at regular intervals.

2.9. Cooking and domestic appliances using heavy gases should be used only in well ventilated spaces and care should be taken to avoid any dangerous accumulation of gas. Cylinders containing flammable and other dangerous gases should be clearly marked as to their contents and stowed on open decks. All valves, pressure regulators and pipes leading from the cylinders should be protected against damage.

3. Radio installation

The radio installation must permit contact at all times with at least one coastal or land-based station, taking into account the normal conditions for propagation of radio waves.

4. Emergency routes and exits

4.1. Routes and exits which can be used as emergency routes and exits must be unobstructed and easily accessible at all times and lead out as directly as possible to the open deck or to a safe area and thence to the survival craft so that workers can evacuate their workstations or living areas quickly and as safely as possible.

4.2. The number, distribution and dimensions of the routes and exits which can be used as emergency routes and exits must depend on the use, equipment and dimensions of workplaces and living areas and on the maximum potential number of persons present. Exits which can be used as emergency exits and which are closed must be immediately and readily operable in an emergency by any worker or by rescue teams.

4.3. Emergency doors and other emergency exits must be adequately weatherproof and watertight for their location and particular function. Emergency doors and other emergency exits must be as fire-resistant as the bulkheads.

4.4. Emergency routes and exits must be indicated by signs in accordance with the Workplace (Provision of Health and/or Safety Signs) Regulations, 2002.

4.5. Escape routes and facilities and emergency exits requiring illumination must be provided with emergency lighting of adequate intensity in case the lighting fails.

5. Fire detection and fire fighting

5.1. Depending on the dimensions and use of the vessel, the equipment it contains, the physical and chemical properties of the substances present and the maximum potential number of persons present, living quarters and enclosed workplaces, including the engine-room and the fish hold if necessary, must be equipped with appropriate fire-fighting equipment and, as necessary, with fire detectors and alarm systems.

5.2. Fire-fighting equipment must always be kept in its proper location, maintained in good working order, and be available for immediate use. Workers must be familiar with the locations of fire-fighting equipment, the way it works and how it should be used.The presence of extinguishers and other portable fire-fighting equipment must always be checked before the vessel gets under way.

5.3. Manually-operated fire-fighting equipment must be easily accessible and simple to use and must be indicated by signs in accordance with the Workplace (Provision of Health and/or Safety Signs) Regulations, 2002.

5.4. Fire-detection and alarm systems should be regularly tested and well maintained.

5.5. Fire-fighting drills shall be carried out at regular intervals.

6. Ventilation of enclosed workplaces

Steps must be taken to see that there is sufficient fresh air in enclosed workplaces, having regard to the working methods used and the physical demands placed on the workers. If a mechanical ventilation system is used, it must be maintained in good condition.

7. Temperature of working areas

7.1. The temperature in working areas must be adequate for the human body during the hours of working, having regard to the work methods used, the physical demands placed on the workers and the actual or potential weather conditions in the area in which the vessel operates.

7.2. The temperature in living quarters, sanitary facilities, canteens and first-aid rooms must, where those areas exist, be appropriate to the particular purpose of such areas.

8. Natural and artificial lighting of workplaces

8.1. Workplaces must as far as possible receive sufficient natural light and be equipped with artificial lighting suitable for the fishing operations in hand, without placing workers' safety and health in danger or jeopardizing other vessels.

8.2. Installations for the lighting of working areas, stairs, ladders and passageways must be placed in such a way that the type of lighting provided poses no risk of accident to workers and no hindrance to the navigation of the vessel.

8.3. Workplaces in which workers are especially exposed to risks in the event of failure of artificial lighting must be provided with emergency lighting of adequate intensity.

8.4. Emergency lighting must be maintained in an efficient operating condition and be tested at regular intervals.

9. Decks, bulkheads and deckheads

9.1. Spaces accessible to workers must be non-slip or anti-slip or be provided with devices to prevent falls and kept free of obstacles as far as possible.

9.2. Workplaces containing workstations must be adequately soundproofed and insulated, bearing in mind the type of tasks involved and the physical activity of workers.

9.3. The surface of decks, bulkheads and deckheads in working areas must be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

10. Doors

10.1. Means should be provided so that doors can at all times be operated from the inside without special equipment. The doors must be operable from either side when workplaces are in use.

10.2. Doors, and in particular sliding doors, where such have to be used, must function as safely as possible for the workers, especially in adverse weather and sea conditions.

11. Traffic routes - danger areas

11.1. Passageways, trunks, the outer part of deckhouses and all traffic routes in general must be equipped with guard rails, grab rails and lifelines or other means of ensuring the safety of workers in the course of activities on board.

11.2. If there is a risk that workers may fall through openings in the deck, or from one deck to another, adequate protection should be provided wherever possible. Where guard rails provide such protection, they must be at least one metre high.

11.3. Access to installations above the deck for operations or maintenance purposes must be such as to ensure workers' safety. Guard rails or similar protective devices of appropriate height must be provided to prevent falls.

11.4. Bulwarks or other means provided to prevent persons falling overboard must be maintained in an efficient condition. Bulwarks must be fitted with freeing ports or other similar devices to enable water to drain away quickly.

11.5. On stern trawlers with ramps, the upper part of the ramp must be fitted with a gate or other means of securing it of the same height as the bulwarks or other adjacent means, to protect workers from the risk of falling into the ramp.

This gate or other device must be easily opened and closed, preferably by remote control, and must be open only for casting the net or for hauling it in.

12. Layout of workstations

12.1. Working areas must be kept clear and, as far as possible, be protected from the sea and provide adequate protection for workers against falling on the vessel or falling overboard. Handling areas must be sufficiently spacious, in terms of both height and surface area.

12.2. If the engines are controlled from the engine room, they must be controlled from a separate area, soundproofed and insulated from the engine room per se and accessible without entering the latter. The navigating bridge is considered to be an area that meets the requirements of the first subparagraph.

12.3. The controls for the hauling gear must be installed in an area sufficiently large to enable operators to work unhindered. The hauling gear must also have appropriate safety devices for emergencies, including emergency stop facilities.

12.4. The hauling gear operator must have an adequate view of the hauling gear and the workers at work. If the hauling gear is controlled from the bridge, the operator should also have a clear view of the workers at work, either directly or via any other suitable medium.

12.5. A reliable communications system must be used between the bridge and the working deck.

12.6. A sharp look out should always be maintained and the crew warned of the imminent danger of heavy oncoming seas during fishing operations or when other work is being done on deck.

12.7. Contact with bare ropes and warps and with moving parts of the equipment must be minimized by installing protective devices.

12.8. Controls must be installed for moving masses, particularly on trawlers:

12.8.1 devices to immobilize the otter boards,
12.8.2 devices to control the swinging motion of the codend.

13. Living quarters

13.1. The location, structure, soundproofing, means of insulation and layout of the workers' living quarters and facilities, where these exist, and means of access thereto should be such as to provide adequate protection against weather and sea, vibration, noise and unpleasant odours from other parts of the vessel likely to disturb the workers during their period of rest. Where the design, dimensions and, or purpose of the vessel allow, the workers' living quarters must be located so as to minimize the effects of motion and acceleration. Appropriate measures should be taken as far as possible to protect non-smokers from discomfort caused by tobacco smoke.

13.2. The workers' living quarters should be properly ventilated to ensure a constant supply of fresh air and prevent condensation. Appropriate lighting must be provided in the living quarters, with:

13.2.1 adequate normal general lighting,

13.2.2 reduced general lighting to avoid disturbing workers who are resting, and

13.2.3 local lighting in each berth.

13.3. The galley and mess, where these exist, should be of adequate size, well lit and ventilated and easy to clean. Refrigerators or other low-temperature food-storage equipment must be provided.

14. Sanitary facilities

14.1. On vessels with living quarters, shower facilities with hot and cold running water, wash-basins and toilets must be properly equipped and installed and the respective areas must be properly ventilated.

14.2. Every worker must have the use of a place where he can keep his clothes.

15. First aid

On all vessels first-aid equipment must be available which fulfils the requirements of Schedule I of the Merchant Shipping (Medical Stores) Regulations, 2002.

16. Accommodation ladders and gangways

An accommodation ladder, gangway or other similar equipment providing an appropriate, safe means of boarding the vessel must be available.

17. Noise

All appropriate technical measures must be taken to reduce the noise level at workplaces and in the living quarters as far as possible, taking into account the size of the vessel.

SCHEDULE II

(Regulations 6 and 8)

MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR EXISTING FISHING VESSELS

Preliminary note
The obligations laid down in this Schedule apply, in so far as the structural characteristics of the existing fishing vessel permit, whenever required by the features of the workplace, the activity, the circumstances or a risk on board an existing fishing vessel.

1. Seaworthiness and stability

1.1. The vessel must be maintained in a seaworthy condition and be properly equipped appropriate to its purpose and use.

1.2. Where it exists, information on the vessel's stability must be available on board and must be accessible to the men on watch.

1.3. All vessels must be sufficiently stable when intact in the conditions of service for which they are intended. The skipper must take the necessary precautionary measures in order to maintain adequate stability of the vessel. Instructions supplied concerning the vessel's stability must be strictly observed.

2. Mechanical and electrical installations

2.1. Electrical installations must be designed and constructed so as not to present any danger and so as to ensure:

2.1.1 protection for the crew and vessel from electrical risks,

2.1.2 the proper functioning of all equipment necessary to maintain the vessel in normal operational and living conditions without recourse to an emergency power supply,

2.1.3 the operation of electrical equipment essential for safety in all emergencies.

2.2. An emergency electrical power source must be provided. Except in open vessels, the emergency electrical power source must be located outside the engine room and in all cases be so arranged as to ensure, in the event of fire or other failure of the main electrical installation, simultaneous functioning for at least three hours of:

2.2.1 the internal communication system, fire detectors and emergency signals,

2.2.2 the navigation lights and emergency lighting,

2.2.3 the radio installation,

2.2.4 the emergency electrical fire pump where present.

If the emergency electrical power source is an accumulator battery and the main electrical power source fails, the accumulator battery must be automatically connected to the emergency electrical switchboard and supply power for an uninterrupted period of three hours to the systems referred to in items 2.2.1, 2.2.2 and 2.2.3. The main electrical switchboard and the emergency switchboard must, to the extent possible, be installed in such a way that they cannot be exposed simultaneously to water or fire.

2.3. Switchboards should be clearly marked; fuse boxes and fuse holders should be checked at regular intervals to ensure that the correct rating of fuse is being used.

2.4. Compartments housing electrical storage batteries must be adequately ventilated.

2.5. Electronic aids to navigation should be tested frequently and well maintained.

2.6. All equipment used in hoisting should be tested and examined at regular intervals.

2.7. All parts of hauling gear, hoisting gear and related equipment should be maintained in good repair and working order.

2.8. Where refrigeration plants and compressed air systems are installed, they should be well maintained and examined at regular intervals.

2.9. Cooking and domestic appliances using heavy gases should be used only in well ventilated spaces and care should be taken to avoid any dangerous accumulation of gas. Cylinders containing flammable and other dangerous gases should be clearly marked as to their contents and stowed on open decks. All valves, pressure regulators and pipes leading from the cylinders should be protected against damage.

3. Radio installation

The radio installation must permit contact at all times with at least one coastal or land-based station, taking into account the normal conditions for propagation of radio waves.

4. Emergency routes and exits

4.1. Routes and exits which can be used as emergency routes and exits must be unobstructed and easily accessible at all times and lead out as directly as possible to

the open deck or to a safe area and thence to the survival craft so that workers can evacuate their workstations or living areas quickly and as safely as possible.

4.2. The number, distribution and dimensions of the routes and exits which can be used as emergency routes and exits must depend on the use, equipment and dimensions of workplaces and living areas and on the maximum potential number of persons present. Exits which can be used as emergency exits and which are closed must be immediately and readily operable in an emergency by any worker or by rescue teams.

4.3. Emergency routes and exits must be indicated by signs in accordance with the Workplace (Provision of Health and/or Safety Signs) Regulations, 2002.

4.4. Escape routes and facilities and emergency exits requiring illumination must be provided with emergency lighting of adequate intensity in case the lighting fails.

5. Fire detection and fire fighting

5.1. Depending on the dimensions and use of the vessel, the equipment it contains, the physical and chemical properties of the substances present and the maximum potential number of persons present, living quarters and enclosed workplaces, including the engine-room and the fish hold if necessary, must be equipped with appropriate fire-fighting equipment and, as necessary, with fire detectors and alarm systems.

5.2. Fire-fighting equipment must always be kept in its proper location, maintained in good working order, and be available for immediate use. Workers must be familiar with the location of fire-fighting equipment, the way it works and how it should be used. The presence of extinguishers and other portable fire-fighting equipment must always be checked before the vessel gets under way.

5.3. Manually-operated fire-fighting equipment must be easily accessible and simple to use and must be indicated in accordance with the Workplace (Provision of Health and/or Safety Signs) Regulations, 2002.

5.4. Fire-detection and alarm systems should be regularly tested and well maintained.

5.5. Fire-fighting drills shall be carried out at regular intervals.

6. Ventilation of enclosed workplaces

Steps must be taken to see that there is sufficient fresh air in enclosed workplaces, having regard to the working methods used and the physical demands placed on the workers. If a mechanical ventilation system is used, it must be maintained in good condition.

7. Temperature of working areas

7.1. The temperature in working areas must be adequate for the human body during the hours of working, having regard to the work methods used, the physical demands placed on the workers and the actual or potential weather conditions in the area in which the vessel operates.

7.2. The temperature in living quarters, sanitary facilities, canteens and first-aid rooms must, where those areas exist, be appropriate to the particular purpose of such areas.

8. Natural and artificial lighting of workplaces

8.1. Workplaces must as far as possible receive sufficient natural light and be equipped with artificial lighting suitable for the operations in hand, without placing workers' safety and health in danger or jeopardizing the navigation of other vessels.

8.2. Lighting installations in working areas, stairs, ladders and passageways must be placed in such a way that the type of lighting envisaged poses no risk of accident to workers and no hindrance to the navigation of the vessel.

8.3. Workplaces in which workers are especially exposed to risks in the event of failure of artificial lighting must be provided with emergency lighting of adequate intensity.

8.4. Emergency lighting must be maintained in an efficient operating condition and be tested at regular intervals.

9. Decks, bulkheads and deckheads

9.1. Spaces accessible to workers must be non-slip or anti-slip or be provided with devices to prevent falls and kept free of obstacles as far as possible.

9.2. Workplaces containing workstations must, in so far as possible, be adequately soundproofed and insulated, bearing in mind the type of tasks involved and the physical activity of workers.

9.3. The surface of decks, bulkheads and deckheads in working areas must be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

10. Doors

10.1. Means should be provided so that doors can at all times be operated from the inside without special equipment. The doors must be operable from either side when workplaces are in use.

10.2. Doors and in particular sliding doors, where such have to be used, must function as safely as possible for the workers, especially in adverse weather and sea conditions.

11. Traffic routes - danger areas

11.1. Passageways, trunks, the outer part of deckhouses and all traffic routes in general must be equipped with guard rails, grab rails and lifelines or other means of ensuring the safety of workers in the course of activities on board.

11.2. If there is a risk that workers may fall through openings in the deck, or from one deck to another, adequate protection should be provided wherever possible.

11.3. Access to installations above the deck for operation or maintenance purposes must be such as to ensure workers' safety. Guard rails or similar protective devices of appropriate height must be provided to prevent falls.

11.4. Bulwarks or other means provided to prevent persons falling overboard must be maintained in an efficient condition. Bulwarks must be fitted with freeing ports or other similar devices to enable water to drain away quickly.

11.5. On stern trawlers with ramps, the ramp must be fitted with a gate or other means of securing it of the same height as the bulwarks or other adjacent means, to protect workers from the risk of falling into the ramp. This gate or other device must be easily opened and closed and must be open only for casting the net or for hauling it in.

12. Layout of workstations

12.1. Working areas must be kept clear and, as far as possible, be protected from the sea and provide adequate protection for workers against falling on the vessel or falling overboard. Handling areas must be sufficiently spacious, in terms of both height and surface area.

12.2. If the engines are controlled from the engine room, they must be controlled from a separate area, soundproofed and insulated from the engine room per se and accessible without passing through the latter. The navigating bridge is considered to be an area that meets the requirements of subparagraph 12.1.

12.3. The controls for the hauling gear must be installed in an area sufficiently large to enable operators to work unhindered. The hauling gear must also have appropriate safety devices for emergencies, including emergency stop facilities.

12.4. The hauling gear operator must have an adequate view of the hauling gear and the workers at work. If the hauling gear is controlled from the bridge, the operator should also have a clear view of the workers at work, either directly or via any other suitable medium.

12.5. A reliable communications system must be used between the bridge and the working deck.

12.6. A sharp look out should always be maintained and the crew warned of the imminent danger of heavy oncoming seas during fishing operations or when other work is being done on deck.

12.7. Contact with bare ropes and warps and with moving parts of the equipment must be minimized by installing protective devices.

12.8. Controls must be installed for moving masses, particularly on trawlers:

12.8.1 devices to immobilize the otter boards,

12.8.2 devices to control the swinging motion of the codend.

13. Living quarters

13.1. The workers' living quarters, where they exist, must be such as to minimize noise, vibration, the effects of motion and acceleration, and unpleasant odours from other parts of the vessel. Appropriate lighting must be installed in the living quarters.

13.2. The galley and mess, where they exist, should be of adequate size, adequately lit and ventilated and easy to clean. Refrigerators or other low-temperature food-storage equipment must be provided.

14. Sanitary facilities

On vessels with living quarters, toilets, wash-basins and, if possible, a shower must be installed and the respective areas must be properly ventilated.

15. First aid

On all vessels first-aid equipment must be available which fulfils the requirements of Schedule I of the Merchant Shipping (Medical Stores) Regulations, 2002.

16. Accommodation ladders and gangways

An accommodation ladder, gangway or other similar equipment providing an appropriate, safe means of boarding the vessel must be available.

SCHEDULE III

(Regulation 8)

MINIMUM SAFETY AND HEALTH REQUIREMENTS CONCERNING LIFE-SAVING AND SURVIVAL EQUIPMENT

Preliminary note

The obligations laid down in this Schedule apply wherever required by the features of the workplace, the activity, the circumstances or a risk on board a vessel.

1. Vessels must carry adequate life-saving and survival equipment, including adequate means of recovering workers from the water, and radio rescue, in particular an emergency position-indicating radio beacon with a hydrostatic release mechanism, taking account of the number of persons on board and the area in which the vessel is operating.

2. All items of life-saving and survival equipment must be kept in their proper locations, maintained in good working order and be available for immediate use. They must be checked by the workers before the vessel leaves port and during the voyage.

3. The life-saving and survival equipment must be inspected at regular intervals.

4. All workers must receive proper training and appropriate instructions in anticipation of an emergency.

5. If the length of the vessel exceeds 45 metres or if five or more workers are carried, a muster list must be provided with clear instructions for each worker which must be followed in case of emergency.

6. Musters of workers for survival drill should be carried out each month in port and, or at sea. These drills must ensure that the workers thoroughly understand and are exercised in the duties which they have to perform with respect to the handling and operation of all life-saving and survival equipment. Workers must be trained in the setting up and operation of the portable radio equipment, where carried.

SCHEDULE IV

(Regulation 8)

MINIMUM SAFETY AND HEALTH REQUIREMENTS CONCERNING PERSONAL PROTECTIVE EQUIPMENT

Preliminary note

The obligations laid down in this Schedule apply whenever required by the features of the workplace, the activity, the circumstances or a risk on board a vessel.

1. Where risks to the safety and health of workers cannot be prevented or sufficiently limited by collective or technical means of protection, they must be provided with personal protective equipment.

2. Personal protective equipment in the form of clothing or worn over clothing must be in bright colours, contrasting with the marine environment and clearly visible.

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