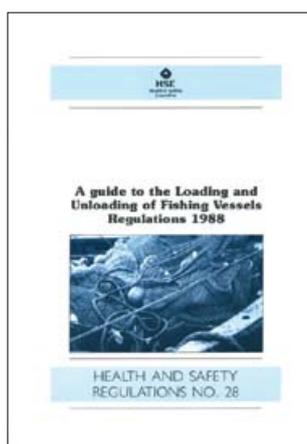


A guide to the Loading and Unloading of Fishing Vessels Regulations 1988

Health and Safety Regulations No. 28

Guidance on Regulations



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This publication is a guide to the regulations, and provides practical guidance, on the loading and unloading of fishing vessels, both onboard and on the quayside.

It is aimed at those who have duties under the regulations, including owners of fishing companies, skippers of fishing vessels, quayside operators and others who have a vested interest in these activities.

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Note

1 Throughout this document, paragraphs are marked to indicate whether they are Regulations (also printed in italics) or Guidance. In addition the paragraphs are colour coded as follows:

- Regulation
- Guidance

2 Cross references in the Guidance which quote a paragraph number and no Regulation number refer to a paragraph under the same Regulation. In cases where a paragraph under a different Regulation is quoted, the cross reference also gives the number of the Regulation.

Foreword

This document has been drawn up in discussion with the British Ports Federation Ltd (formerly the British Ports Association), the main trade associations, and representatives of the fishing industry, including employers, employees, unions and those who manage fish quay activities. It takes account of the views of those consulted and provides practical guidance for persons concerned in ports and at quays elsewhere with the loading and unloading of fishing vessels, both on board and on the quayside. It is aimed particularly at those who have duties under the Loading and Unloading of Fishing Vessels Regulations 1988, and gives advice on the interpretation of and methods of compliance with these Regulations. Any other means giving the same standard of protection would be acceptable. It is intended to complement the *Recommended code of safety for fishermen*, produced by the Department of Trade (now Transport) in 1978, which contains a great deal of useful advice aimed at safety on board fishing vessels while at sea catching fish.

Introduction

The Loading and Unloading of Fishing Vessels Regulations 1988 (SI 1988 No 1656) are designed to complement the Docks Regulations 1988, which specifically exclude fishing vessel activities. The Fishing Vessels Regulations are much simpler, including only two technical regulations and this reflects the relatively less hazardous nature of the industry. Together with several codes of Merchant Shipping Regulations dealing with occupational health and safety, these two sets of Regulations will replace and update the Docks Regulations 1934 (which deal with very limited aspects of the loading and unloading of fishing vessels). They will also satisfy the relevant articles of an International Labour Office Convention (ILC 152) dealing with the health and safety of dockworkers.

The Regulations and Guidance are intended particularly to achieve safe means of access and places of work, and safe plant, including vehicles. The Guidance is aimed at both employers and employees' representatives.

Regulation

1

Regulation 1 - Citation and commencement

These Regulations may be cited as the Loading and Unloading of Fishing Vessels Regulations 1988, and shall come into force on 1st January 1989.

Regulation

2

Regulation 2 - Interpretation

In these Regulations, unless the context otherwise requires -

'the 1974 Act' means the Health and Safety at Work etc. Act 1974;

'dock gate' means any lock gate or other gate which can close off the entrance to the dock or part of the dock from the sea or other waterway but does not include any gate on land which controls access by vehicles or pedestrians;

'fishing vessel' means any description of craft used for the transport or storage of wet fish, whether used in navigation or not, but does not include a craft when used -

- (a) for the principal purpose of carrying passengers or goods other than wet fish; or*
- (b) solely for sport or recreation;*

'fish loading process' means the loading, unloading, moving or handling of wet fish on, at, or nearby any quay or on any fishing vessel when moored at the quay, or any activity incidental to those activities including the mooring, fuelling and provisioning of the fishing vessel at the quay or the transfer of wet fish from one fishing vessel to another when at least one of the fishing vessels is moored at the quay;

'handling' includes gutting of wet fish and loading of wet fish for transport, but does not include tinning, freezing solid in blocks, curing, freeze-drying or other means of processing;

'maintained' means maintained in an efficient state, in efficient working order and in good repair;

Regulation

2

'processed' or 'processing' does not include keeping fish, molluscs or crustaceans (or part of them) fresh by placing them on ice;

'quay' includes any wharf, jetty or dock;

'skipper' means the person (except a pilot) having command or charge of the fishing vessel;

'wet fish' includes all fish, molluscs and crustaceans whether living or dead but does not include -

- (i) fishmeal, fish manure or fish guano, or*
- (ii) fish, molluscs or crustaceans which are, or have been, tinned, frozen solid in blocks, or otherwise processed.*

Guidance

2

1 The definitions of 'fishing vessel', 'fish loading process' and 'wet fish' used in the Loading and Unloading of Fishing Vessels Regulations (hereafter referred to as 'The Regulations') are designed so that the Regulations dovetail, and are consistent with, the Docks Regulations 1988.

2 'Fish loading process' has a wide meaning and includes all activities connected with the unloading of wet fish both on the fishing vessel, when moored at the quay, and on the quayside. Fish markets where they take place on the quayside are thus covered. Incidental matters such as mooring, fuelling and provisioning also fall within the definition. Provisioning includes the loading of ice from the quay into the fishing vessel. All incidental activities at fish quays up to and including the loading of the fish for despatch are covered. However, processing or packaging operations will not be covered as these activities are already subject to the Factories Act 1961.

3 The definition of 'fishing vessel' is designed to ensure that all vessels which transport or store wet fish are subject to the Regulations, except those whose main function is carrying other goods, or passengers, and those which are used solely for sport or recreation. Fish cages used at fish farms are not covered by the definition although well boats used for transporting fish at fish farms are included.

4 'Quay' includes all structures whether floating or not which can be described as a wharf, jetty or dock, whether they are in a port or harbour, or on a river or canal, but does not include beach landing sites nor the banks themselves of rivers and canals.

5 The exclusion of, for example, fishmeal, and frozen or tinned fish, from the definition of 'wet fish' means that the loading and unloading of such items will not be subject to the Regulations, but will be covered by the Docks Regulations 1988.

6 The term 'reasonably practicable' is not defined but appears in Regulations 5 and 6. It has however been interpreted (*Edwards v National Coal Board* (1949)) as a narrower term than 'physically possible' and requires that the quantum of risk involved should be weighed against the remedial measures, whether in terms of money, time or trouble. If the risk is insignificant when compared with the measures required to rectify the problem, then compliance will not be reasonably practicable. Correspondingly, where rectification requires or costs little in comparison with the risk involved, then action will need to be taken. For situations intermediate between these two extremes, the degree of action necessary to discharge the legal duty will need to be considered in each case. The term 'practicable' imposes a stricter standard and is generally taken to refer to measures which are possible in the light of current knowledge and invention (*Adsett v K and L Steelfounders and Engineers Ltd* (1953) and other High Court decisions).

Regulation

3

Regulation 3 - Application

These Regulations shall apply to and in relation to all fish loading processes in Great Britain.

Guidance

1 Safety legislation which applies to or at quays where a fish loading process as defined is carried out comprises the Health and Safety at Work etc Act 1974 (the HSW Act) and certain of its relevant statutory provisions, primarily the Loading and Unloading of Fishing Vessels Regulations 1988. These Regulations deal with the safe handling of wet fish in British ports and at quays elsewhere in Great Britain, both on board ship and at the quay, where this is carried out commercially. They cover activity on the quay up to and including loading on to vehicles which are intended to remove the fish from the quay, but not beyond this point. Fish markets, where they take place on the quay, are therefore included (see paragraph 2 of the Guidance to Regulation 2).

2 The Regulations apply at fish farms in respect of any work falling within the definition of 'fish loading process'. This will include any handling of wet fish (whether alive or dead) at fixed or floating quays.

3 'Pleasure craft' are excluded from the scope of the Regulations by virtue of the definition of 'fishing vessel' (see paragraph 3 of the Guidance to Regulation 2).

4 Handling on the quay of wet fish delivered to the quay other than by sea, eg in containers transported by road, is covered by the Regulations.

5 The Regulations do not apply to other premises at the quayside, such as factories which fall within the scope of the Factories Act 1961, except to the extent that they are used for purposes incidental to fish handling activities, eg fuelling or provisioning fishing vessels.

6 The Regulations do not apply to the unloading of fish from fishing vessels at beach landing sites, nor at river and canal banks other than at a quay.

7 The Regulations apply to both UK and foreign registered vessels. Vessels are also covered by safety regulations made under merchant shipping legislation. These include the Fishing Vessels (Safety Provisions) Rules 1975. The advisory *Recommended code of safety for fishermen* issued in 1978 by the Department of Trade (now Transport) is also relevant. Reference is made to these as appropriate in the Guidance that follows.

3

Regulation

4

Regulation 4 - Duties

It shall be the duty of every -

- (a) employer;*
- (b) self-employed person;*
- (c) skipper of a fishing vessel; and*
- (d) other person on whom a duty is imposed by section 4 of the 1974 Act,*

to comply with all provisions of these Regulations, but such a duty shall extend only to matters within his control.

Guidance

1 The Regulations address certain aspects of the safety of persons engaged in the fish loading process and duties are placed on various kinds of person generally having control of work, plant or premises. The duties apply to the extent to which a person actually has control, and thus several persons engaged in a given operation may carry legal duties for its safe conduct. For example, the skipper of a fishing vessel would have responsibilities to ensure that members of his crew taking part in the work did so in a way which was safe both for themselves and other participants. The employer of shore-based workers engaged in the same work would have similar responsibilities for his own staff. Neither duty holder would be discharging his obligation satisfactorily if he failed to co-ordinate the activities of the various people engaged in the work so as to avoid confusion which might lead to danger. Regulation 6 calls for work to be properly planned and executed, giving added force to this point.

2 Duties for compliance with the Regulations are placed on persons already holding duties under Section 4 of the HSW Act, reproduced in the Appendix. This provision might for example place duties on owners or persons (including corporate bodies) who exercise control in any degree over the plant, premises or operation. Thus the owner of a fishing vessel would normally share with the skipper responsibility for the maintenance in a safe condition of a ship-board winch used in the loading or unloading process. Similarly, the operators of a quay in a port or elsewhere may share responsibility with an individual employer for the safety of dockside equipment, eg ladders and fenders. In the event of damage, say, to a quayside ladder, the relative responsibilities will depend on the precise circumstances which led to the ladder becoming damaged.

3 Other provisions in Sections 2-4 and 6-8 of the HSW Act also put general duties on persons regarding matters at fish quays not specifically addressed in these Regulations.

4 The Regulations contain no reference to the duties of employees. This is not because there are no such duties, but because they are already covered in Section 7 of the HSW Act. This requires employees to take reasonable care of themselves and others, and to co-operate with their employer in discharging the employer's legal obligations.

4

Regulation

Regulation 5 - Safe working place and safe access

Access to and safety about the workplace

(1) Subject to paragraph (2) below, there shall be provided and properly maintained a safe place of work for any person engaged in a fish loading process, and safe access to and egress from that place of work or any other place which any person has to visit for the purpose of the fish loading process.

(2) So far as is reasonably practicable all floors, decks, surfaces, stairs, steps, passages and gangways in any place described in paragraph (1) above shall be kept free from any substance likely to cause persons to slip or fall or vehicles to skid.

5(1)-(3)

Regulation

(3) There shall be provided secure and adequate fencing at the following places where persons are engaged in fish loading processes, that is to say -

- (a) every break, dangerous corner or other dangerous part or edge of a quay;
- (b) every open side of a gangway, footway over a bridge, caisson or dock gate; and
- (c) any other place not being a quay where any person working or passing might fall a distance of more than 2 metres;

except in so far as such fencing is impracticable because of the nature of the work carried out there and either work is in progress or there is a short interruption for a meal or other purpose.

5(1)-(3)

Guidance

General

1 Safe access should be provided to and from any place of work on shore or the vessel which any person has to visit for or incidental to the purpose of fish handling.

2 Where there are dangerous parts at the edge of a quay, such as a break, where a person is more than ordinarily liable to fall into the water, or at the open sides of gangways, bridges, footways, caissons or lock gates where a person is liable to fall into the water, or any other place where a person is liable to fall more than 2 metres, adequate fencing should be provided and maintained in a proper condition.

3 Fencing is not required under Regulation 5(3) at straight and level quaysides, nor at edges which by virtue of the nature of the work in progress must remain unfenced during that work. This will extend to short intervals in the work including mealtimes; but after work has totally ceased for the day, if the edges remain a danger, they should be securely fenced if practicable. Any new fencing provided should have a height of at least 1 metre. Where rail fencing is provided, there should be an intermediate rail at about 0.5 metre. This standard should also be met for existing installations as and when they are replaced. The rails may where necessary consist of taut wire or taut chain. Fencing should be securely constructed to sustain the weight of persons falling against it.

4 Guard rails and guard wires on board vessels should meet the standard set out in the Fishing Vessels (Safety Provisions) Rules 1975 (Rule 63). Further advice may be found in Section 4 of the *Recommended code of safety for fishermen*.

5 During the discharge of fish from a vessel's hold, where no hatch coaming is provided, adequate and suitable temporary guard rails should be provided where practicable.

6 Wherever possible the use of portable ladders should be avoided but when their use is necessary they should be of sound material, good construction, adequate strength and be properly maintained. Wooden ladders should not be painted but treated with preservatives that do not conceal defects which would otherwise be visible.

7 Effective steps should be taken to prevent any portable ladder in use from slipping or collapsing, and to ensure that it extends at least 1 metre above the place of landing to which it provides access unless there is another adequate handhold.

8 Rope ladders should only be used in accordance with the *Recommended code of safety for fishermen*.

5(1)-(3)

Guidance

Shore to ship

9 Safe means of access should be provided and maintained from shore to ship. Skippers, shoreside employers, owners, self-employed persons, employees and others have responsibilities in this regard, but extending only to matters within their control. In general, it is for the skipper to check that safe access is available for use by his crew and others involved in loading and unloading operations. To achieve this, he will often need to make suitable arrangements with the port operator or owner regarding the use of, for example, quayside ladders. The port operator or owner will have the primary responsibility for the maintenance of such ladders (but see, for example, paragraph 2 of the Guidance to Regulation 4 and paragraph 6 of the Guidance to Regulation 6(1)). Persons may step ashore if the vessel is level with, moored at and adjacent to the quayside but they should not be required to jump ashore or on board. Factors to be taken into consideration in assessing whether suitable means of access has been provided include the state of the sea and tidal variations, which may be considerable, and the fact that access is likely to be required at night as well as during the daytime.

10 In general, fishing vessels are too small to carry access gangways of sufficient size to cater for the wide range of tidal conditions. Therefore, as far as practicable, an adequate number of fixed ladders or steps to afford access to and egress from the number of vessels which normally use the quay should be provided and used, particularly where vessels are lower than the quay. Such ladders or steps should be properly maintained and adequately protected against damage by vessels.

11 At new quays, fixed ladders are normally provided at least every 30 metres. Ladders are best protected by recessing in the quayside wall although other means such as fendering of sufficient strength may also be used.

12 Where portable ladders have to be used, because there is neither permanent quayside access nor a suitable gangway, these should be of adequate size and strength, properly maintained and adequately secured. See also paragraphs 6 to 8 above. Where a ladder is resting against bulwarks or rails, suitable safe access from the ladder to the deck should be provided.

13 Section 4 of the *Recommended code of safety for fishermen* contains further advice on ladders carried on board ship.

Ship to ship

14 There should be safe access between vessels where they are berthed alongside each other. Vessels should be tightly moored together. Where there is a substantial difference in height, access should generally be provided by the vessel with the higher freeboard. Where there is no significant difference in freeboard, the vessel lying outboard should provide the access.

Ships' holds

15 Access into ships' holds should be by means of fixed hold ladders where these are provided, or alternatively by portable ladders which should extend at least 1 metre above the landing point. These should be of adequate size and strength, properly maintained and adequately secured. Paragraphs 6 to 8 above give further advice on the use of portable ladders.

5(1)-(3)

Guidance

Slippery surfaces

16 Suitable arrangements should be made to deal with slippery surfaces. Spillages of oil, grease, fish slime or other such substances on decks or quays should be removed by an appropriate method such as salting, sanding, use of absorbent material, sweeping, water jetting or cleaning, as frequently as necessary to prevent persons slipping, or vehicles skidding, so far as reasonably practicable.

17 'Reasonably practicable' should be interpreted in the light of paragraph 6 of the Guidance to Regulation 2. For example, it is recognised that unloading fish will continuously generate fish slime and decks cannot therefore be kept free of slime all through the unloading process. Suitable steps should however be taken at appropriate intervals to keep the decks as clear as the fish unloading process will permit, and adequate cleaning should in any case be carried out at the end of the day's work. The responsibility for cleaning will generally lie with those persons carrying out the work which gives rise to spillages, in other words, those persons having control of that work.

5(1)-(3)

Regulation

Lighting

(4) Each part of a quay or fishing vessel where persons are engaged in a fish loading process, and every means of access to and egress from there, shall be suitably and adequately lighted.

5(4)

Guidance

1 Lighting which is adequate for accurate and safe working, and for safe access, should be provided and maintained for wet fish handling operations. It should be reasonably constant and uniform, minimising sharp contrasts. Work should be arranged, so far as is reasonably practicable, such that it is not necessary to work in deep shadow. Lighting should be arranged so as to minimise glare to persons including those navigating ships. It should also make clear any warning signs.

5 (4)

Regulation

Rescue and fire fighting

(5) Where persons are engaged in a fish loading process there shall be provided adequate and suitable -

- (a) rescue and life-saving equipment;*
- (b) means to effect escape from danger; and*
- (c) fire-fighting equipment,*

and they shall be spaced at intervals that are reasonable in all the circumstances and properly maintained.

5(5)

Guidance

Rescue

1 Life-saving appliances and means of support or escape at or near the surface of the water should be provided and maintained.

2 These should include

- (a) ladders on quay walls and, if necessary, handholds at water level, and
- (b) life-saving appliances.

5 (5)

Guidance

3 Where life-saving appliances include lifebuoys, these should meet either of the standards set out in Schedule 9 of the Merchant Shipping (Life Saving Appliances) Regulations 1986 (SI 1986 No 1066). A suitable lifeline of a length adequate for the circumstances of the quay should be attached to each life-saving appliance. Alternatively a separate throwing line may be provided, which should have adequate buoyancy to prevent it sinking. It is recommended that a drill is carried out from time to time to ensure familiarity with, and the continuing adequacy of, the life-saving appliances provided. Life-saving appliances should generally be provided at intervals of no more than 100 metres.

4 In general, ladders will have been provided for access as in paragraphs 10 and 11 of the Guidance to Regulation 5(1)-(3). Where ladders are spaced at more than 100 metre intervals, intermediate handholds such as chains, fenders or similar arrangements should be provided.

Fire fighting

5 In general, apart from certain limited categories of building (eg offices and factories), the Fire Precautions Act 1971 will not apply and the only relevant legislation will be Regulation 5(5)(c). Where there is an identifiable risk, for example, during the fuelling of vessels, suitable and adequate means for fighting fire should be provided and kept available for use (both on shore, and also on the vessel - see paragraph 7 below). The equipment should be operated only by those competent to do so. It should be capable of being brought rapidly into use and be adequate to enable a fire in its early stages to be extinguished or so controlled as to prevent persons being trapped in the expected interval between discovery of the fire and the arrival of the Fire Brigade, who should normally be summoned except where this is clearly unnecessary.

6 The provision of suitable fire-fighting equipment may in certain cases also be appropriate to deal with, for example, risks from the ignition of accumulations of rubbish. Such instances could start off as minor fires but prompt action might be necessary to prevent these spreading to operations such as fuelling. Fuel lines should be maintained in sound condition.

7 Requirements concerning fire precautions and fire fighting on board vessels, are contained in the Fishing Vessels (Safety Provisions) Rules 1975. In addition, advice may be found in Section 9 of the *Recommended code of safety for fishermen*. In general, fire-fighting equipment on board vessels is for fighting fires on, and enabling escape from, vessels, rather than the quayside.

5 (5)

Regulation

Regulation 6 - Safety of work and equipment

6(1)

Planning and execution

(1) *Every fish loading process shall be planned and executed in such a manner as to ensure, so far as is reasonably practicable, that no persons will be exposed to danger.*

Guidance

General safety

6(1)

1 All wet fish handling at the quay should be planned and carried out so as to avoid danger, so far as reasonably practicable. This includes providing and maintaining a safe place of work and safe systems of work whenever wet fish handling is taking place.

Guidance

- 2 The dock, port or quay areas used for wet fish handling should be adequate for the purpose, properly maintained and kept free from substances and other obstacles likely to cause a danger.
- 3 Any defects likely to cause danger should be reported to the responsible person having control of such matters so that corrective action may be taken.
- 4 Safety devices, appliances and equipment should not be interfered with nor misused and all persons concerned should make use of the safeguards provided (see also paragraph 11 of the Guidance to Regulation 6(2)).
- 5 Loose gear and equipment should be safely stowed when not in use.
- 6 Suitable and sufficient mooring facilities, eg bollards, should be provided and sited conveniently to the access locations. Vessels should not under any circumstances be moored to ladders or handholds.
- 7 Individuals should be aware of the effect of alcohol as this affects the safety of work on board vessels and on the fish quay. Persons suffering from the effects of excess alcohol should not be considered fit to unload fishing vessels.

Confined spaces

- 8 Dangers in confined spaces include the risk of being overcome from either oxygen deficiency (possibly due to rusting) in enclosed void or ballast tanks, or toxic or asphyxiant atmospheres arising from the decomposition of fish or other organic matter in such places as fish holds. Dangerous atmospheres can also arise from the use or leakage of chemicals or from welding or flamecutting.
- 9 A confined space should not be entered when there is reason to believe that there may be or may arise a danger of persons being overcome by a toxic or irrespirable atmosphere, unless suitable precautions are taken.
- 10 Precautions which may need to be taken include atmospheric testing, instituting a safe system of work (including arrangements for rescue), and the wearing of suitable breathing apparatus. Suitable training in such matters is necessary for persons who enter confined spaces. Guidance Note GS 5 *Entry into confined spaces*, issued by the Health and Safety Executive gives general advice and information on this matter. Section 8.4 of the *Recommended code of safety for fishermen* also contains relevant advice.
- 11 It should be remembered that hazards can also arise from flammable atmospheres in confined spaces, and suitable precautions will be necessary.

6(1)

Regulation

6(2)

Plant and equipment

(2) *Where persons are engaged in a fish loading process, so far as is reasonably practicable safe plant and equipment shall be provided and properly maintained.*

Guidance

6(2)

General

- 1 Safe plant and equipment should be provided and properly maintained. All lifting plant, machinery, vehicles and ladders used in a fish loading process are included.

Guidance

Lifting plant

2 The handling system should include suitable and effective arrangements to ensure that adequate and suitable lifting plant is available, and that all other plant and equipment, and any special gear necessary to implement the system is available and used. See paragraph 17 below concerning the training of lifting plant operators.

3 No lifting appliance (eg a crane or lift truck) or associated gear (eg a chain or wire rope sling) should be used in a fish loading process unless it is:

- (a) of good design and construction, and
- (b) of adequate strength for the purpose for which it is to be used, and
- (c) of sound material and free from patent defect, and
- (d) properly installed and assembled, and
- (e) properly maintained.

4 All lifting plant should be maintained and should be visually inspected by a responsible person such as the skipper of the vessel, or the person in charge of shoreside staff, or a person nominated by either of these, on each occasion before loading or unloading of a vessel commences. Such an inspection may only need to be brief, but should enable the responsible person to verify that the lifting plant has been properly rigged and is safe for its intended use.

5 In addition, the plant owner or user should arrange for systematic preventive maintenance to be undertaken, since the requirement for maintenance implies more than merely repairing defects as they become apparent through malfunction or following examination. Preventive maintenance which may, and very frequently will, be in-house should include regular routine inspection by a person who is competent to assess whether the lifting plant is safe for continued use. This will clearly be more detailed than the inspection before use described in paragraph 4 above, but should be carried out at intervals appropriate to the nature of the plant and its frequency of use. On average, a period of about one month between inspections will be appropriate. Such inspections will not normally involve proof load testing.

6 Lifting plant used to handle loads in excess of 250 kg should be tested by a competent person after installation and following any major repair; and should be thoroughly examined once in every twelve month period by a competent person. The results of these tests and examinations should be recorded and kept in a safe place for a period of at least two years. A competent person in this context should have such practical and theoretical knowledge and actual experience of the lifting plant concerned as will enable him to detect defects or weaknesses which it is the purpose of the examination to discover, and to assess their importance in relation to the strength, stability and functions of the lifting plant. Provided that the person selected can meet these requirements, such examinations may be carried out in-house.

7 Winches and hoists aboard fishing vessels used in the fish loading process should comply with Section 6 of the *Recommended code of safety for fishermen*.

8 Lifting operations should be conducted in a safe and proper manner. No load greater than the safe working load (in the case of a crane, for that particular radius, if relevant) should be applied to lifting appliances except for the purpose of a test carried out by a competent person (see paragraph 6 above).

9 No box, basket or similar container, or pallet, should be used to lift any load unless it is of good construction, good repair and of adequate strength for this purpose.

Guidance

10 If lifting plant is also used for dock operations as defined in the Docks Regulations 1988, it should comply with the additional requirements of those Regulations.

Machinery

11 All dangerous parts of machinery should be securely guarded during normal use. This should not however preclude the minimum exposure of moving parts where this is necessary for normal operation of a machine such as, for example, a saw or a grinding wheel. Also, it should not prevent the examination, testing and adjustment of a machine by a competent person who has established a safe system of work, which may include guard removal where there is no alternative. A safe system of work should also cover maintenance and similar work when the safeguards have been removed. The system should describe methods of isolating machinery and preventing it being restarted before it is safe to do so.

12 In most cases, for example transmission machinery driving winches or conveyors, complete enclosure with a fixed guard will be appropriate although the point at which a rope runs on to a winch drum, and the winch drum itself are not required to be guarded. Other parts which require protection include intakes at belt conveyors and traps between fixed and moving parts at paddle or bucket elevators. Guarding should effectively prevent bodily access to these danger points.

13 Relevant British Standards include BS 5304 *Code of Practice for safety of machinery* and BS 5667: Part 19: 1980 *Specification for continuous mechanical handling equipment - Safety requirements - Belt conveyors*.

Electrical

14 All electrical equipment and installations should be so constructed, installed, operated and maintained so as to prevent danger, especially taking into account the weather and the marine environment in which they will be located and used.

Vehicles

15 Owners, hirers or users of vehicles, including lift trucks, used in the handling of wet fish within the scope described in paragraph 1 of the Guidance to Regulation 3 should ensure that they are in safe working order and properly maintained. This should include suitable inspections of such a frequency by a competent person so as to ensure that the vehicle is maintained in a safe condition. Particular attention should be directed at the brakes, tyres, steering, lights (including brake and direction indicators) and driver's visibility. In the case of road vehicles these should be of a standard that at least satisfies the relevant requirements that would apply on a public highway.

16 Drivers should use their vehicles in a safe manner. Passengers should only be carried when the vehicle has places specifically provided for that purpose. A suitable and safe traffic movement system should be set up appropriate to the circumstances by the person having overall control of the premises or quay.

17 Drivers of vehicles and operators of lifting plant used in wet fish handling should be authorised and adequately trained, competent to carry out the tasks concerned and should be at least 18 years of age (or, in the case of vehicles, hold a full driving licence for that class of vehicle).

Guidance

6(2)

18 Vehicles carrying wet fish and used or driven on a dock estate, but outside the scope of these Regulations as defined (see paragraph 1 of the Guidance to Regulation 3), may nevertheless still be subject to other relevant legislation, eg the Docks Regulations 1988, the HSW Act 1974, and the Road Traffic Acts and Regulations.

Regulation

7

Regulation 7 - Exemption certificates

(1) Subject to paragraph (2) below, the Health and Safety Executive may, by certificate in writing, exempt any person or class of persons, or activity or class of activities to which these Regulations apply, from any requirement imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to -

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced because of it.

Regulation

8

Regulation 8 - Enforcement

Notwithstanding the provisions of regulation 3, but without prejudice to regulation 5, of the Health and Safety (Enforcing Authority) Regulations 1977, the authority responsible for enforcing -

- (a) these Regulations; and
- (b) sections 2 to 4 and 6 to 8 of the 1974 Act in relation to a fish loading process,

shall be the Health and Safety Executive.

Appendix - Health and Safety at Work etc Act 1974, Section 4

4 General duties of persons concerned with premises to persons other than their employees. (1) This section has effect for imposing on persons duties in relation to those who -

(a) are not their employees; but
(b) use non-domestic premises made available to them as a place of work or as a place where they may use plant or substances provided for their use there, and applies to premises so made available and other non-domestic premises used in connection with them.

(2) It shall be the duty of each person who has, to any extent, control of premises to which this section applies or of the means of access thereto or egress therefrom or of any plant or substance in such premises to take such measures as it is reasonable for a person in his position to take to ensure, so far as is reasonably practicable, that the premises, all means of access thereto or egress therefrom available for use by persons using the premises, and any plant or substance in the premises or, as the case may be, provided for use there, is or are safe and without risks to health.

(3) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to -

(a) the maintenance or repair of any premises to which this section applies or any means of access thereto or egress therefrom; or
(b) the safety of or the absence of risks to health arising from plant or substances in any such premises;

that person shall be treated, for the purposes of subsection (2) above, as being a person who has control of the matters to which his obligation extends.

(4) Any reference in this section to a person having control of any premises or matter is a reference to a person having control of the premises or matter in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

Further information

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