1989 No. 321

HEALTH AND SAFETY

Loading and Unloading of Fishing Vessels Regulations (Northern Ireland) 1989

Made . . . . . *2nd August 1989*

Coming into operation . . *1st December 1989*

ARRANGEMENT OF REGULATIONS

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The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 17(1) to (3), (5) and 55(2) of, and paragraphs 1(1) and (2), 8, 11 and 17(*a*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Loading and Unloading of Fishing Vessels Regulations (Northern Ireland) 1989, and shall come into operation on 1st December 1989.

Interpretation

2. In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9) to which there are amendments not relevant to these Regulations

"Department" means the Department of Economic Development;

"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;

"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.

Application

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

Duties

4. 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 Article 6 of the 1978 Order,

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