



MERCHANT SHIPPING ACT 1985
THE FISHING VESSEL (RADIO) REGULATIONS 2006

Laid before Tynwald: 25th April 2006

Coming into operation: 1st April 2006

In exercise of the powers conferred on the Department of Trade and Industry by sections 1 and 2 of the Merchant Shipping Act 1985¹ and of all other enabling powers, after consultation with the Secretary of State and those persons referred to in Section 2(2) of the Merchant Shipping Act 1985, the following Regulations are hereby made:-

Citation and commencement

1. These Regulations may be cited as the Fishing Vessel (Radio) Regulations 2006 and shall come into operation on 1st April 2006.

Interpretation

2. (1) For the purposes of these Regulations:

“Admiralty List of Radio Signals” means the document so entitled published by the Hydrographer of the Navy and any subsequent List which replaces it or any Admiralty Notice to Mariners which amends it which the Hydrographer of the Navy considers relevant;

“Admiralty Notice to Mariners” means a notice described as such published by the Hydrographer of the Navy;

“area A1 vessel” means a vessel which goes to sea in area A1 only;

¹ 1985 c.3 Functions transferred to the Department of Trade and Industry by Transfer of Functions (Marine Administration) Order 1997 SD 51/97

“area A2 vessel” means a vessel which goes to sea in sea area A2 only, or in sea areas A1 and A2;

“area A3 vessel” means a vessel which goes to sea in sea area A3 only, or in sea area A3 and also in sea area A1 or A2 or both those sea areas;

“area A4 vessel” means a vessel which goes to sea in sea area A4 only, or in sea area A4 and also in one or more of sea areas A1, A2 and A3;

“Continuous listening watch” means a radio watch which is not interrupted other than for brief intervals when the ship’s receiving capability is impaired or blocked by its own communications or when the facilities are under periodical maintenance or checks;

“Cospas-Sarsat satellite service” means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

“Department” means the Department of Trade and Industry;

“DSC” means Digital Selective Calling being a technique using digital codes which enables a radio station to establish contact with, and transfer information to, another station or group of stations;

“DSC watch” means listening for an audible alarm from a vessel’s DSC equipment on VHF (channel 70), MF (2,187.5 kHz) or HF (8,414.5 kHz);

“EPIRB” means an emergency position indicating radio beacon capable of transmitting a distress alert either through the Cospas-Sarsat satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 MHz band;

“fishing vessel” means a vessel for the time being used (or, in the context of an application for registration under Part III, intended to be used) for or in connection with fishing for sea fish, other than a vessel used (or intended to be used) for fishing otherwise than for profit;

“general radio communications” means operational and public correspondence traffic, other than distress, urgency and safety messages, conducted by radio;

“GMDSS” means the Global Maritime Distress and Safety System;

“HF” means the frequency spectrum between 3000 kHz and 30MHz;

“Hydrographer of the Navy” means the person for the time being appointed to that office by the Admiralty board;

“INMARSAT” means the Organisation established by the Convention on the International Maritime Satellite Organisation adopted on 3rd September 1976;

“INMARSAT-C” means an INMARSAT ship earth station capable of transmitting and receiving direct printing communications with enhanced group calling equipment for use in the GMDSS;

“INMARSAT enhanced group calling system” means the SafetyNET service by which INMARSAT distributes meteorological, navigational and search and rescue message to vessel fitted with an enhanced group calling system receiver;

“INMARSAT geostationary satellite service” means the mobile satellite service provided by INMARSAT through its geostationary satellites;

“INMARSAT ship earth station” means a terminal in the mobile-satellite service located on board a vessel which is not permanently moored;

“Isle of Man Fishing Vessel” means a fishing vessel registered in the Island under Part III of the Merchant Shipping Registration Act 1991;

“ITC Radio Regulations” means the Radio Regulations annexed to the most recent International Telecommunication Convention which is in force at any time;

“length” means, unless provided otherwise, 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure; and “fixed permanent structure” –

(a) includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel,

(b) does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, driving platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;

“MF” means the frequency spectrum between 300 and 3000 kHz;

“MF coast station” means a radio communication service located on the coast offering services in the medium frequency (300 – 3000 kHz)

“mobile satellite service” means a radio communication service between –

(a) mobile earth stations and one or more space stations, or between space stations used by this service; or

(b) mobile earth stations by means of one or more space stations,

and this service may also include feeder links necessary for its operation;

“radio communication” means telecommunication by means of radio waves;

“radio communication service” means a service as defined in the ITC Radio Regulations involving the transmission, emission and/or reception of radio waves for specific telecommunications purposes;

“radio installation” means any radio installation provided on board a ship in compliance with these Regulations, including its associated antennas, interconnecting circuits and, where appropriate, sources of electrical energy;

“satellite EPIRB” means an EPIRB which is in the mobile-satellite service;

“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 1991², 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;

“sea area A1” means an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available, and specified as such an area in volume 5 of the Admiralty List of Radio Signals;

“sea area A2” means an area, excluding sea Area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Radio Signals;

“sea area A3” means an area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available, and specified as such an area in Volume 5 of the Admiralty List of Signals;

“sea area A4” means any area of the sea which is not sea area A1, A2 or A3;

“VHF” means the frequency spectrum between 30MHz and 300 MHz.

(2) For the purposes of these Regulations, a fishing vessel shall be treated as being at sea at any time when it is not securely moored in a safe berth.

Application

3. (1) These regulations apply to Isle of Man fishing vessels of at least 15 metres length overall but less than 24 metres registered length

Functional Requirements

4. Without prejudice to regulation 5, every fishing vessel, while at sea, shall be capable of –
- (a) transmitting ship-to-shore distress alerts by at least two separate and independent means, using a different radio communication service;
 - (b) receiving ship-to-shore distress alerts;
 - (c) transmitting and receiving search ship-to-shore distress alerts;
 - (d) transmitting and receiving search and rescue co-ordinating communications;
 - (e) transmitting and receiving on-scene communications;

² GC392/91

- (f) transmitting and receiving signals for locating;
- (g) transmitting and receiving maritime safety information;
- (h) transmitting and receiving general radio communications to and from shore-based radio systems or networks; and
- (i) transmitting and receiving bridge-to-bridge communications.

Provision of radio installations

5 (1) Subject to paragraph (2), a fishing vessel operating in sea area A1, A2, A3 or A4 shall be provided with the equipment as provided for by the table in Schedule 1 to these Regulations.

(2) The footnotes to the table in Schedule 1 to these Regulations shall have effect for the purposes of that table.

Installation, location and control of radio equipment

6. (1) Every radio installation shall:
- (a) be so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;
 - (b) be so located as to ensure the greatest possible degree of safety and operational availability;
 - (c) be protected against harmful effects of water, extreme of temperature and other adverse environmental conditions;
 - (d) be provided with reliable, permanently arranged electrical lighting, independent of the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and
 - (e) be clearly marked with the call sign, the ship station identity and other codes as applicable for the use of the radio installation.

Radio Personnel

7. (1) Every fishing vessel shall carry a person who is qualified for distress and safety radio communication purposes as specified in paragraph (2).
- (2) A person is qualified for the purposes of paragraph (1) where:
- (a) in the case of an area A1 vessel, he holds a GMDSS Short Range or Long Range Certificate;³
 - (b) in the case of an area A2, area A3 or area A4 vessel, he holds a GMDSS Long Range Certificate⁴.

Radio Watches

8. (1) Every fishing vessel while at sea shall maintain a watch:
- (a) on VHF channel 70 using DSC;
 - (b) on the distress and safety DSC frequency 2,187.5kHz if the vessel is fitted with an MF radio installation;
 - (c) on the distress and safety DSC frequencies 2,187.5 and 8,414.5kHz and also on at least one of the distress and safety DSC frequencies 4,207.5kHz, 6,312 kHz, 12,577kHz or 16,804.5kHz, appropriate to the time of day and the geographical position of the vessel, if the vessel is fitted with an MF/HF radio installation; this watch may be kept by means of scanning receiver;
 - (d) for satellite shore-to-ship distress alerts, if the vessel is fitted with an INMARSAT ship earth station.
- (2) Every fishing vessel while at sea shall maintain a radio watch for broadcasts of maritime safety information on the appropriate frequency or frequencies on which such information is broadcast for the area in which the fishing vessel is navigating.

³ Certificates to be issued pursuant to the Annex to the Resolution 343 of the World Radiocommunication Conference held by the International Telecommunication Union in Geneva in 1997;

⁴ Certificates to be issued pursuant to the Annex to the Resolution 343 of the World Radiocommunication Conference held by the International Telecommunication Union in Geneva in 1997;

Sources of energy

9. (1) (a) There shall be available at all times while the fishing vessel is at sea and at all reasonable times when it is in port, a supply of electrical energy which is sufficient for the operation of the radio installation
- (b) The supply of electrical energy shall be maintained at a voltage within plus or minus 10 per cent of the voltage the source of supply is designed to deliver.
- (2) (a) A reserve source of electrical energy, not dependent on running the fishing vessels electrical generating equipment shall be provided and, where reasonably practicable, shall be situated in the upper part of the fishing vessel.
- (b) This reserve source, which may consist of a battery, shall be capable of being brought into immediate operation by means of a readily accessible changeover system on a switchboard or by operation of a changeover switch.
- (c) This reserve source shall be maintained at all times while the fishing vessel is at sea in such condition as to be capable of supplying continuously for a period of at least six hours:
- (i) the VHF receiver;
 - (ii) the VHF transmitter;
 - (iii) the MF or MF/HF receiver and of the transmitter when it is in such a condition that operation of the "press to transmit" switch will make it ready for immediate transmission;
 - (v) the INMARSAT ship earth station when it is receiving transmissions;
 - (vii) the additional loads to which the reserve source may supply energy in times of distress or emergency.
- (3) Adequate means shall be provided on board every fishing vessel for the charging of batteries provided as a source of electrical energy for the operation of the radio installation.
- (4) When any battery provided for a radio installation is not in use, it shall be capable of being fully charged within a period of not more than 16 hours by the means of charging required by paragraph (3).

Radio Records

10. (1) A summary of communication relating to distress traffic in which the fishing vessel has participated, and the times at which such communications occurred, shall be recorded in writing.
- (2) The skipper shall, on demand, produce the written record for inspection by:
- (a) a Mercantile Marine Superintendent;
 - (b) an officer authorised by the Department to make such inspections.

Maintenance Requirements

11. (1) Sufficient spare parts, tools and testing equipment appropriate to the vessel to enable the radio installation to be maintained in an efficient working condition while at sea shall be provided.

(2) Equipment required by these regulations shall be maintained to such a standard as will ensure that the functional requirements specified in regulation 4 and the performance standards specified in regulation 12 for such equipment are met.

Performance Standards

12. (1) Equipment required to be provided under these Regulations shall:

- (a) conform to performance standards for such fishing vessels as specified in Schedule 2 to these regulations; and
- (b) be of a type approved by the Department or by an organisation acceptable to the Department.

(2) Any approval given under this regulation shall be in writing and:

- (a) shall specify the standards to which the system or equipment is approved;
- (b) shall specify the date on which it takes effect;
- (c) shall specify the conditions (if any) on which the approval is granted; and
- (d) may, on giving reasonable notice, be altered or cancelled by the Department.

Equivalent and Exemptions

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

(2) The Department may exempt any individual fishing vessel or class of fishing vessel from any of the provisions of these Regulations, on such terms (if any) as it may specify.

(3) Any exemption granted or equivalent permitted by the Department under this regulation:

- (a) shall be in writing;
- (b) shall specify the date on which it takes effect; and
- (c) may, on giving reasonable notice, be altered or cancelled by the Department.

Offences and Penalties

14. (1) If a fishing vessel, to which these regulations apply, fails to comply with the relevant requirements of these Regulations the owner and skipper of the fishing vessels shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or, on conviction on information, to custody for a term not exceeding two years and a fine.

(2) In any proceedings for an offence under these Regulations it shall be a defence for a person to prove that all reasonable steps had been taken by him to ensure compliance with the Regulations.

Consequential Amendments

15. The consequential amendments specified in Schedule 3 to these Regulations shall have effect.

Made: 29th March 2006

Mr. Alex F Downie

Minister for Trade and Industry

Schedule 1 – Regulation 5

Provision of Radio Installations

Equipment	Sea Area			
	A1	A2	A3	A4
1. Hand Held VHF radio (a)	1	1	1	1
2. Fixed VHF radio installation (b)	1	1	1	1
3. VHF Channel 70 DSC watch installation (c)	1	1	1	1
4. Float-free satellite EPIRB with a 121.5 MHz homing device (d)	1	1	1	1
5. MF radio installation (e)		1		
6. INMARSAT-C		or 1	1	
7. MF/HF radio installation (f)		or 1	or 1	1
8. NAVTEX receiver		1	1	1
9. INMARSAT enhanced group calling (EGC) receiver			1	1

- (a) The equipment must be capable of operating on VHF channel 16 and one other channel and be of a type specifically designed for operation in survival craft. In particular, the equipment must be rendered fully waterproof through design. A spare, fully charged battery must be available in case of emergency.
- (b) The VHF radio installation must be capable of transmitting and receiving DSC on channel 70, and radiotelephony on channel 6, channel 13 and channel 16.
- (c) This may be combined with the fixed VHF radio installation
- (d) The satellite EPIRB must be installed in an easily accessible position where it can be manually released and placed in a liferaft.
- (e) The MF radio installation must be capable of transmitting and receiving, for distress and safety purposes, on the frequencies 2187.5 kHz using DSC, and 2182 kHz using radiotelephony. A radio installation capable of maintaining a continuous listening watch on the frequency 2187.5 kHz using DSC, which may be separate from, or combined with, this equipment, must also be provided. If an INMARSAT-C or an MF/HF radio installation is fitted on the fishing vessel, an MF radio installation is not required.
- (f) The MF/HF radio installation must be capable of transmitting and receiving, for distress and safety purposes, on all distress and safety frequencies in the bands between 1,605 kHz and 4,000 kHz and between 4,000 kHz and 27,500 kHz using DSC, radiotelephony and direct-printing telegraphy (telex). A facility to maintain a DSC watch on 2,187.5 kHz, 8,414.5 kHz and on at least one of the distress and safety DSC frequencies 4,207.5 kHz, 6,312 kHz, 12,577kHz or 16,804.5 kHz must also be provided.

Standards of Performance for Marine Radio Equipment

Equipment	Sub-system	Specification
VHF radio installations capable of voice communication and digital selective calling	Transceiver Facility (Fixed)	ETS 300 162 Second Edition or EN 301 025
	Digital Selective Calling Facility	ETS 300 338 or EN 301 025
	Watchkeeping Facility	EN 301 033 ¹
Survival Craft two-way VHF radiotelephone apparatus	Not applicable	ETS 300 225 Second Edition
Float-free satellite emergency position-indicating radio beacons (EPIRBs) operating on 406 MHz	Not applicable	ETS 300 066 Second Edition
MF/HF radio installations capable of voice communication, narrow-band direct-printing and digital selective calling.	Transceiver Facility	ETS 300 373
	Digital Selective Calling Facility	ETS 300 338 (Class A,B,E)
	Watchkeeping Facility	EN 301 033 ¹
INMARSAT-C ship earth station capable of Transmitting and Receiving direct printing communications	Not applicable	INMARSAT standards ²
NAVTEX Receiver	Not applicable	Any suitable set capable of operating on 518 kHz and preferably 490kHz
Enhanced Group Call equipment	Not applicable	Specification incorporated in equipment standards for INMARSAT-C

¹ Or as incorporated in the DSC Facility

² All INMARSAT installations and ancillary equipment are to be of a type approved by INMARSAT

Consequential Amendments

The Merchant Shipping (Radio) (Fishing Vessels) Rules 1974¹ shall be amended as follows –

1. In Rules 2(1), for “12 metres or more in length” there shall be substituted “24 metres or more in length to less than 45 metres length engaged only on voyages wholly within the area specified in Schedule 2 to these Rules” and “classification of fishing vessels” shall be revoked from the title;
2. Rule 2(2) shall be revoked;
3. In Rule 3(3) “of Class II” shall be revoked;
4. Rule 3(2) and Regulation 3(4) shall be revoked;
5. In Rule 4(2)(a) “in the case of fishing vessels of Class II and Class III,” shall be revoked;
6. Rule 4(2)(b) shall be revoked;
7. In Rule 6(1) “of Class I or Class II” shall be revoked;
8. In Rule 7 -
 - (a) subparagraph (a) shall be revoked;
 - (b) subparagraph (b) “in the case of a fishing vessel of Class II” shall be revoked; and
 - (c) subparagraph (c) shall be revoked.
9. In Rule 8(1) “In fishing vessels of Class II or Class III” shall be revoked and capitalize “The”;
10. In Rule 8(2):
 - (a) “of Class I” shall be revoked; and
 - (b) subparagraph (a) shall be revoked.
11. In Rule 8 (3)(a) “except that fishing vessels of Class III may be provided with such a clock having a dial of less than 125mm in diameter” shall be revoked;
12. In Rule 8 (3)(d) “class of” shall be revoked;
13. In Rule 9:
 - (a) paragraph (1) shall be revoked;
 - (b) in paragraph (2) “of Class II” shall be revoked; and
 - (c) paragraph (3) shall be revoked in its entirety.
14. Rule 11(2) shall be revoked;

¹ S.I. 1974 No. 1919 as amended by S.I. 1994 No. 1104 and applied to the Isle of Man by GC 75/77 and SD538/94 respectively.

15. In Rule 13(1) “of Class I and Class II” shall be revoked;
16. Rule 13(5) shall be revoked;
17. In Rule 15(2) “in the case of vessels of Class I and Class II,” shall be revoked;
18. In Schedule 1, paragraph 8 “of Class II” shall be revoked;
19. In Schedule 2, in the heading, for “Rule 2(2)” substitute “Rule 2(1)”
20. In Schedule 6, Section A – Particulars of Radiotelephone Operators “and Class” shall be revoked from the table.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out requirements for radio installations in respect of Isle of Man commercial fishing vessels of at least 15 metres length overall but less than 24 metres in registered length.

The Regulations come into effect on the 1st April 2006 in conjunction with the Isle of Man Code of Safe Working Practice for the Construction and Use of 15 metre (LOA) to less than 24 metre (L) Fishing Vessels⁸.

The principal feature of these regulations is the requirement for fishing vessel to carry equipment to operate the Global Maritime and Distress and Safety System (GMDSS). As part of that requirement fishing vessels are required to fit a VHF Channel 70 DSC watch installation.

The Regulations replace the Merchant Shipping (Radio) (Fishing Vessel) Rules 1974⁹ in respect of fishing vessels to which these regulations apply. They amend the Merchant Shipping (Radio) (Fishing Vessel) Rules 1974 with the effect that they only apply to fishing vessels of more than 24 metres in length to less than 45 metres length.

⁸ The requirement to comply with the Isle of Man Code of Safe Working Practice for the Construction and Use of 15 metre (LOA) to less than 24 metre (L) Fishing Vessels is given effect through the application of S.I. 2002 No. 2201 by SD73/06.

⁹ S.I. 1974 No. 1919 as amended by S.I. 1994 No. 1104 as they are applied to the Isle of Man by GC75/77 and SD538/94 respectively.