

PERMANENT NOTICE TO MARINERS No 09

FISHING VESSELS SAFETY TRAINING – EXEMPTIONS & VALIDITY OF CERTIFICATES

References:

- A. Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004
- B. Delegation of Functions, Revised Delegations R.94/2013 August 2013

1. The requirement for safety training was introduced following a number of fatalities in the UK and around the shores of Jersey. Many of these have been the subject of reports by the Marine Accident Investigation Branch (MAIB) highlighting concerns over the safety record of the fishing industry. The Fishing Vessels – Safety Training Order was introduced solely to improve the safety of all commercial fishermen. There have been instances where the law may have been misinterpreted and the following guidance has been developed in consultation with the fishing associations to provide clarification on specific issues relating to exemptions and the validity of sea safety training certificates.
2. The law (Ref A) requires a person employed or engaged in fishing to be the holder of a valid certificate issued by the Sea Fish Industry Authority in basic sea survival at sea, basic fire-fighting and prevention and basic first aid. It also allows the Harbour Master to recognise certificates that meet an equivalent or superior standard to that issued by the Sea Fish Industry Authority. The revised delegation (Ref B) allows a temporary exemption to be granted such that:
 - a. Fishermen new to the industry may be granted an exemption from all approved training to operate in any size vessel, subject to:
 - i. Being under the direct supervision of a fully certificated skipper at all times.
 - ii. Being given on-board safety and emergency briefings on each occasion of proceeding to sea
 - iii. This exemption being limited to a period of no more than 3 months.
 - b. For existing fishermen, a six month window for requalification has been created by permitting:
 - i. Certificates to be post-dated by up to 3 months (but not beyond the expiry date of the previous certificate).
 - ii. Certificates to be considered to be still valid for up to 3 months beyond the date of expiry of the previous certificate.

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3. Applications for an exemption to fishermen new to the industry in accordance with subparagraph 2.a. above should be submitted to the Harbour Master who will obtain the approval of the Registrar of Shipping. Applications should set out the reasons for the exemption being requested, the name of the fishing boat in which the exemption is to apply, the name(s) of the skipper providing supervision and the dates for which the application is sought. The purpose of introducing this exemption for a person new to the industry is to allow potential fishermen to gain experience of fishing for a living before committing to the courses required for full time employment in the industry. It follows, therefore, that this exemption is not applicable to those returning to the industry whose certificates are simply no longer valid. Skippers should recognise that individuals subject to this exemption are at greater risk and the exemption conditions place an important responsibility on the skipper to bring the increased risk down to acceptable levels. It also follows that this exemption cannot apply to someone skippering a boat that is not fully qualified as it is the skipper who must provide the supervision.
4. Approval of exemptions to the period of validity of certificates for existing fishermen in accordance with paragraph 2.b. above may be assumed without any requirement for applications to be submitted.
5. In common with any other Jersey registered vessel, a fishing vessel being used to carry recreational passengers for financial gain must have a permit under the Harbours (Inshore Safety) (Jersey) Regulations 2012 and be operated under the conditions of the permit.
6. A fishing vessel may be used for leisure purposes as long as it is not being used for financial gain (this includes special occasions such as watching the Air Display or leisure fishing by rod and line but only if the catch is not sold commercially). Under these circumstances, the skipper must be fully certificated but passengers are exempted as long as the skipper ensures that his passengers are under his direct supervision at all times and that the passengers are given on-board safety and emergency briefings on each occasion before proceeding to sea. This dispensation applies for the carriage of persons (passengers and crew) within the registered capacity of the vessel but only up to a maximum of 12 passengers. A "J" registered boat that is being used for leisure purposes must make a "Transit Report" to the Coastguard on VHF Channel 82 (or tel: +44 (0) 153 447705) before leaving the mooring or berth irrespective of how far away the vessel will be operating; unless this Transit Report is made, its leisure status will not be recognised.
7. The Basic Sea Survival at Sea certificates are, in all cases, currently recognised as being valid for life once issued¹.
8. First Aid training certificates have a set period of validity, which will be noted on the certificate. For local courses they are valid for only three years, after which they require to be renewed. The advice of the Harbour Master or Registrar should be sought for any period of validity beyond three years to confirm this period is recognised in Jersey.
9. The Basic Fire-Fighting and Prevention training module provided as part of the Sea Fish Industry Authority run course is more comprehensive than that provided by other recognised training providers and the firefighting certificate issued is currently recognised as being valid for life¹.

¹ It noted that, under the Manila amendment to STCW, these certificates may have their validity reduced to five years. This change does not come into force until 1 Jan 17 and current indications are that existing certificates will be valid for a further five years from this date. The effective date of this new regulation as it applies in Jersey will be promulgated when known

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10. Basic Fire-Fighting and Prevention training provided by locally recognised training providers have a set period of validity, which will be noted on the certificate. For local courses they are valid for only 3 years, after which they require to be renewed. The advice of the Harbour Master or Registrar of Shipping should be sought for any period of validity beyond three years to confirm this period is recognised in Jersey.
11. It is the responsibility of individuals to source their own training. Jersey Harbours will attempt to gather information on the timing of courses and contact details as declared by training providers. Details will be promulgated from time to time, however, the accuracy of the details promulgated cannot be guaranteed. Further advice may also be available through the Jersey Fishermen's Association (721182 - jerseyfishermen@hotmail.com), or the Jersey Inshore Fishermen's Association (07797724861 - jifa@hotmail.co.uk).
12. Owners should present any in-date certificates of training for the skipper and crew at registration or re-registration. This is to assist in the process of informing training providers of the likely demand for courses. It should be noted that an offence is committed in proceeding to sea without the required certificates; checks may be made through inspections at sea or subsequent to a fishing vessel proceeding to sea when certificates of the skipper and crew may be requested.
13. Cancel Notice to Mariners 23 of 2013 which is superseded by this Permanent Notice.



Barry Goldman CBE
for Harbourmaster

10 April 2014

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