MERCHANT SHIPPING

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1. FISHING BOATS

The Merchant Shipping (Fishing Boats) Order, 1948

1948 No. 366

Made - - - - 23rd February, 1948

The Minister of Transport, in exercise of his powers under section 369 of the Merchant Shipping Act, 1894, (hereinafter referred to as "the Act") and of all other powers him enabling and in so far as it affects Scotland with the consent of the Secretary of State hereby makes the following Order:— 57 & 58 Vict. c. 60.

1. On and after the 1st day of March, 1948, fishing boats being trawlers of twenty-five tons tonnage or upwards but not exceeding fifty tons shall be exempt from the provisions of subsection (1) of section 413 of the Act when (*a*) carrying as skipper either a duly certificated skipper or a duly certificated second hand whose certificate has been endorsed to certify that he is competent to act as skipper of a fishing boat not exceeding fifty tons tonnage, and (*b*) not proceeding north of latitude 61° N. or south of latitude 48° 30′ N. or west of longitude 12° W.

2. On and after the 1st day of July, 1949, the provisions of sections 413, 414, 415 and 416 of the Act shall extend and apply to all fishing boats, being liners or drifters, of twenty-five tons gross tonnage or upwards, propelled by steam or other mechanical power, and to all fishing boats, being boats engaged in Seine net or Ring net fishing, of twenty-five tons gross tonnage or upwards, propelled by steam or other mechanical power, subject to the following exemption, namely:—

the provisions of subsection (1) of section 413 shall not apply to such fishing boats not exceeding fifty tons gross tonnage when (*a*) carrying as skipper either a duly certificated skipper or a duly certificated second hand whose certificate has been endorsed to certify that he is competent to act as skipper of a fishing boat not exceeding fifty tons tonnage, and (*b*) not proceeding north of latitude 61° N. or south of latitude 48° 30′ N. or west of longitude 12° W.

3. The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

4. This Order may be cited as the Merchant Shipping (Fishing Boats) Order, 1948.

Given under the Official Seal of the Minister of Transport this 23rd day of February, 1948.

(L.S.)

N. A. Guttery,
An Under-Secretary of the
Ministry of Transport.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Under section 369 of the Merchant Shipping Act, 1894, the Minister of Transport has power to exempt any class of trawler or trawlers from the requirements of Part IV of the Act and to extend those requirements to any fishing boats. Section 413 of the Act requires trawlers of 25 tons tonnage or upwards to carry a duly certificated skipper and a duly certificated second hand, and by orders made under section 369 that requirement has subsequently been extended to all steam or motor fishing boats of 50 tons gross tonnage or upwards being liners or drifters or boats engaged in Seine net fishing.

This Order (1) exempts from that requirement in certain circumstances trawlers up to 50 tons tonnage, and (2) extends that requirement and the provisions of section 414, 415 and 416, which deal with the granting of certificates of competency, the issue of certificates of service and the keeping of registers of certificated skippers and second hands respectively, to steam or motor fishing boats of 25 tons gross tonnage or upwards, being liners or drifters or boats engaged in Seine net or Ring net fishing, and provides, in the case of such vessels not exceeding 50 tons gross tonnage, for the same exemptions as in the case of trawlers.

The purpose of the Order is to provide that trawlers of between 25 and 50 tons tonnage operating within the specified limits shall carry one certificated officer in place of two required at present, and that as from 1st July, 1949, a similar requirement shall apply to fishing boats of the other classes specified in the Order of between 25 and 50 gross tons, which are not at present required to carry certificated officers; vessels of these classes going beyond the specified limits will be required to carry a skipper and second hand, both duly certificated.

The Merchant Shipping (Fishing Boats Agreements) Order, 1948

1948 No. 1853

Made - - - - 5th August, 1948

57 & 58 Vict. c. 60.

The Minister of Transport (hereinafter referred to as " the Minister ") in exercise of his powers under section 369 of the Merchant Shipping Act, 1894, (hereinafter referred to as " the Act ") and of all other powers him enabling hereby makes the following Order:—

1. On and after the 19th day of August, 1948, fishing boats being trawlers of twenty-five tons tonnage and upwards registered under Part IV of the Act at any port in the United Kingdom shall be exempt from so much of the provisions of sections 401 and 402 of the Act as require the skipper or the owner (or if there are several owners, the registered managing owner) to cause a fishing boat's agreement to be read over and explained to each seaman, or otherwise ascertain that