

STATES OF JERSEY



DRAFT FISHING VESSELS (SAFETY PROVISIONS) (JERSEY) REGULATIONS 200- (P.13/2003): AMENDMENTS

Lodged au Greffe on 18th February 2003
by Deputy G.C.L. Baudains of St. Clement

STATES GREFFE

DRAFT FISHING VESSELS (SAFETY PROVISIONS) (JERSEY) REGULATIONS 200 (P.13/2003):
AMENDMENT

(1) PAGE 69 – REGULATION 83

In paragraph (c) after the word “emitting” delete the words “2 or more” and after the word “stars” delete the words “either together or separately”.

(2) PAGE 70 – REGULATION 87

In paragraph (2) after the words “12 months” insert the words “or other such period as the liferaft manufacturer shall specify”.

(3) PAGE 88 – REGULATION 108

(a) *After the words “Every vessel” insert the words “of 6 metres or over but” and;*

(b) *For paragraph (3) substitute the following paragraph –*

“Every vessel less than 6 metres in length to which these Regulations apply shall be provided with at least one fire bucket with lanyard or at least one fire extinguisher.”.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

REPORT

These items refer to matters I raised with the previous Harbours and Airport Committee President, but clearly they have not been progressed. The reason may be that it was thought these triennial Regulations would soon be replaced, but the delay in so doing means we continue to perpetuate legislation which is absurd and to which people are forced to turn a blind eye.

I do not believe this is a satisfactory state of affairs and my amendments seek to reduce some of the anomalies.

With regard to Regulation 83 I do not believe distress flares emitting two or more stars are actually available; if they are I'm not aware of them.

Standard flares are white, yellow or red. Yellow is a smoke for daylight hours, white is for night-time illumination or warning, whilst red is for emergency. The latter two come in two forms, parachute or hand-held; both are of a single light and are the sort carried on every boat in Jersey that has flares.

I cannot see the logic of enforcing the carrying of peculiar flares that may be difficult or impossible to obtain.

The requirement to emit a red light to 45 metres can adequately be supplied by the normal parachute flare—available in every ships chandlers.

To specify only curious flares could result in no flares being carried – hardly a benefit to safety.

Regulation 87: this draft Law does not reflect the advances in liferaft technology made in recent times.

It is true that for many years the servicing interval for liferafts was 12 months and it may still be so for commercial ships, but the trend amongst the manufacturers of pleasure/semi-commercial 4/6/8 man rafts nowadays is for triennial servicing. This has been made possible by the introduction of shrink-wrapping prior to enclosure of the raft in a valise or canister and is available on servicing as well.

I cannot see the point of disturbing a raft unnecessarily. Flares have a lifespan sufficient not to need replacing before a triennial service so there can be no reason to unnecessarily disturb it. I can only presume those responsible for this draft Law are unaware of these developments, although they have existed for several years.

Under Regulation 83 it is not compulsory for fishing vessels under 12 metres (40 ft.) to carry liferafts. I would have preferred a 9 metre limit— these Regulations seem overly severe in some places yet inadequate in others. Anyway, these smaller boats tend to fish not far offshore and are the ones most likely to use the smaller 4/8 man liferafts that have this longer service period.

As there is no requirement for these smaller boats to actually carry a liferaft, requiring a service (which is not cheap) unnecessarily could well tip the balance between an owner deciding to carry a raft or not.

If insisting on an annual service actually persuades some to not carry a raft because of the extra unnecessary expense and inconvenience^[1], then this Regulation could actually endanger lives.

I suggest that the manufacturer is best qualified to determine the proper service interval for his products, and I propose my amendment accordingly.

Regulation 108 this is a prime example of trying to adjust ship regulations to suit small boats. The result is unsatisfactory. *Paragraph (2)* requires a boat under 9 metres to have a minimum of 2 fire buckets and 2 portab fire extinguishers.

Paragraph (3) is in addition to paragraph (2), which means that a registered fishing boat of under 6 metre (approximately 19 ft. and which include a number of open boats powered by outboards) would be required to carry a minimum of 2 fire buckets and 3 fire extinguishers, which is patently absurd. My amendment seeks to create more sensible requirements.

There are no financial or manpower implications for the States arising from these amendments.

[1] Servicing a liferaft can take a week or more, so a boat in constant use would need to borrow one in the interim – also meaning 4 journeys carrying a heavy item instead of 2.