
COMPULSORY INSURANCE FOR SHIPS RECEIVING TRANS-SHIPPED FISH

Notice to Shipowners, Agents, Charterers and Masters

Summary

The Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998 (which come into force on 6 April 1998) make insurance, or another form of financial security, compulsory for ships in respect of which a trans-shipment licence issued under section 4A of the Sea Fish (Conservation) Act 1967 is in force.

This notice:

- specifies the forms of insurance and security satisfying the requirement of the Regulations;
- specifies the format of documentary evidence of compliance with the Regulations which must be carried on board the ship; and
- provides information on the enforcement of the Regulations.

Interpretation

1. This Merchant Shipping Notice should be read in conjunction with the Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998. Any reference in this notice to a numbered regulation is a reference to the regulation of those Regulations which is so numbered.

Acceptable forms of insurance/security

2. The contracts of insurance or other security satisfying regulation 6 are:
 - (a) contracts of entry with a member of the International Group of Protection and Indemnity (P&I) Clubs;
 - (b) contracts with any other insurer authorised to provide insurance in accordance with the law of a State which is a Contracting Party to the Agreement on the European Economic Area; and

(c) the guarantee of a bank, or similar financial institution, authorised to carry out banking activities in accordance with the law of a State which is a Contracting Party to the Agreement on the European Economic Area.

3. A contract of insurance or other security shall not satisfy regulation 6 if the amount of compensation available to meet the liabilities referred to in regulation 5 may be restricted by any monetary limits other than those arising from the application of the limits of liability referred to in regulation 4(3).

Format of documentary evidence of compliance with the Regulations

4. The documentary evidence of compliance with the Regulations required by regulation 7(1) shall be in English, or include a translation into English, and shall contain the following particulars:
 - (a) name of the ship, distinctive number or letters and port of registry;

- (b) name and principal place of business of the shipowner;
- (c) IMO ship identification number (where appropriate);
- (d) type and duration of security;
- (e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and
- (f) period of validity of the insurance or other security.

Enforcement

- 5. In addition to checks under regulation 7(2) to confirm that documentary evidence of

compliance with the Regulations is carried on board the ship, follow-up checks will be undertaken to confirm the validity of this documentary evidence. In the event that such evidence is found to be invalid, or if a contract of insurance or other security does not in fact exist, the ship may be detained under regulation 9 and prosecution considered under regulation 8.

- 6. Where a ship is found to have contravened the Regulations, the Secretary of State may serve a prohibition notice on the ship under section 100G of the Merchant Shipping Act 1995. Such a notice would prohibit the ship from receiving and/or processing fish. Non-compliance with such a notice would be a criminal offence, punishable by a fine and/or by imprisonment.

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