

FISHING VESSEL SAFETY REGULATIONS
(Section 402 of the National Maritime Act, 1997)

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FISHING VESSEL SAFETY REGULATIONS
(Sections 103 and 402 of the National Maritime Act, 1997)

PART 1 GENERAL PROVISIONS

1.1 Authority - These Regulations are promulgated by the Secretary of the Department of Transportation, Communications and Infrastructure, pursuant to sections 103 and 402 of Title 19 of the Code of the Federated States of Micronesia and provide for the safety of fishing vessels as required by Chapter 4 of Title 19.

1.2 Short Title - These Regulations may be cited as the Fishing Vessel Safety Regulations.

1.3 Application - Unless expressly provided otherwise, these Regulations apply to fishing vessels of 12 meters or more in length that are:

- (a) registered in the Federated States of Micronesia; or
- (b) employed in fishing in the Exclusive Economic Zone or Territorial Sea of the Federated States of Micronesia.

1.4 Definitions - In these Regulations, unless the contrary intention appears:

“adequate” means adequate in the opinion of the Principal Surveyor;

“approved” means approved by the Principal Surveyor;

“Category 1 vessels” means vessels intended for fishing operations in unlimited sea areas;

“Category 2 vessels” means vessels intended for fishing operations in sea areas up to 200 nautical miles from a place of shelter;

“Category 3 vessels” means vessels intended for fishing operations in sea areas up to 50 nautical miles from a place of shelter;

“Chapter” means a chapter of the Fishing Vessel Safety Code or of the Voluntary Guidelines as the case may be;

“Collisions Convention” means the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended from time to time;

“Collision Regulations” means the International Regulations for Preventing Collisions at Sea 1972, being the Rules and Annexes attached to the Collisions Convention;

“Fishing vessel” means any vessel, boat, ship, or other craft that is used for, equipped to be used for, or of a type that is normally used for:

- (a) fishing; or
- (b) aiding or assisting one or more vessels at sea in the performance of any activity related to fishing, including but not limited to preparation, supply, storage, refrigeration, transportation or processing, to which the provisions of any international convention or any other laws of the Federated States of Micronesia do not otherwise apply;

“Deck Log Book” means the record customarily kept by the skipper of the vessel as the record of the navigation and working of the vessel;

“Fishing Vessel Code” means the “Code of Safety for Fisherman and Fishing Vessels, Part B, Safety and Health Requirements for the Construction and Equipment of Fishing Vessels” published by the International Maritime Organization, London in 1975 and amended from time to time and includes the Annexes thereto;

“MARPOL 73/78” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and any subsequent amendments;

“Safety Convention” means the International Convention for the Safety of Life at Sea, 1974, as modified by its protocols and as amended from time to time;

“Skipper” in relation to a fishing vessel, means the person having lawful command or charge of the vessel but does not include a pilot;

“vessel” means a fishing vessel that is used commercially; and

“Voluntary Guidelines” means the “FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels” published by the International Maritime Organization, London in 1980 as amended from time to time and includes the Annexes thereto.

PART 2 SAFETY REQUIREMENTS

2.1 Application of the Fishing Vessel Code or the Voluntary Guidelines - In applying the requirements of the Fishing Vessel Code and the Voluntary Guidelines to a vessel under the provisions of these Regulations:

- (a) The word “should”, where used in relation to or to express requirement, shall be deemed to mean “shall”;
- (b) The length of a vessel shall mean the length of that vessel contained in certificates issued by the appropriate Maritime Administration;
- (c) The definitions included in Chapter I of the Fishing Vessel Safety Code and chapter I of the Voluntary Guidelines shall be read as subject to Title 19 of the Code of the Federated States of Micronesia and these Regulations; and
- (d) The term 'competent authority' where used shall be deemed to mean the Principal Surveyor.

2.2 Requirements for New Fishing Vessels

- (a) Subject to section 2.4, the requirements for construction and equipment of new fishing vessels of 24 meters or more in length shall be those set out in the following chapters of the Fishing Vessel Code:
 - (i) Chapter I General Provisions (except paragraph I.1.1);
 - (ii) Chapter II Hull and Equipment;
 - (iii) Chapter III Freeboard, Watertight Integrity and Freeing Ports;
 - (iv) Chapter IV Stability;
 - (v) Chapter V Machinery and Electrical Installations;
 - (vi) Chapter VI Fire Protection, Fire Detection, Fire Extinction and Fire Fighting Equipment;
 - (vii) Chapter VII Protection of the Crew (except section 7.10);
 - (viii) Chapter VIII Lifesaving Appliances;
 - (ix) Chapter IX Radiotelegraphy and Radiotelephony;
 - (x) Chapter X Shipborne Navigational Equipment.
- (b) Subject to section 2.4, the requirements for the design, construction and equipment of new fishing vessels of less than 24 meters in length

should be those set out in the following chapters of the Voluntary Guidelines:

- (i) Chapter 1 General provisions, (except paragraph I.I.I.);
- (ii) Chapter 2 Construction, watertight integrity and equipment;
- (iii) Chapter 3 Stability and associated seaworthiness;
- (iv) Chapter 4 Machinery and electrical installations;
- (v) Chapter 5 Fire protection, fire detection, fire extinction and fire-fighting equipment;
- (vi) Chapter 6 Protection of the crew;
- (vii) Chapter 7 Life-saving appliances;
- (viii) Chapter 8 Radiocommunications;
- (ix) Chapter 9 Navigational equipment.

- (c) Notwithstanding the requirements of section 2.4 and of the Fishing Vessel Code and the Voluntary Guidelines, all new fishing vessels shall be equipped with holding tanks sufficient to accommodate the vessels' oily residues and sludge, sewage, and other contaminated liquids or pollutants not permitted to be discharged into the marine environment under the provisions of MARPOL 73/78, on the date these Regulations come into force.

2.3 Requirements for Existing Fishing Vessels

- (a) An existing vessel of 24 meters or more in length shall comply with subsection 2.2(a) as far as is reasonable and practicable in the opinion of the Principal Surveyor, having due regard to the type and area of operations in which the vessel is or is to be employed.
- (b) An existing vessel of less than 24 meters in length shall comply with subsection 2.2(b) as far as is reasonable and practicable in the opinion of the Principal Surveyor, and having due regard to the type and area of operations in which the vessel is, or is to be, employed.
- (c) Notwithstanding the requirements of section 2.4 and of the Fishing Vessel Code and Voluntary Guidelines, all existing fishing vessels shall be equipped with holding tanks sufficient to accommodate the vessels' oily residues and sludge, sewage, and other contaminated liquids or pollutants not permitted to be discharged into the marine environments under the provisions of MARPOL 73/78, twelve months after the entry into force of these Regulations.

2.4 Safety Standards

- (a) Notwithstanding the provisions of sections 2.2 and 2.3, the Principal Surveyor may establish the standards applicable to a specified vessel or class of vessel in respect of:
- (i) the types of navigational and miscellaneous equipment;
 - (ii) the number and type of life-saving appliances;
 - (iii) the number and type of fire fighting appliances; and
 - (iv) the type of radio equipment to be carried;
- the location in which the equipment or appliance is to be carried in the vessel.
- (b) In determining the requirements under paragraph (a), the Principal Surveyor shall have due regard to the requirements set out in sections 2.2 and 2.3 and, in the case of an establishment of a standard under paragraph (a) (iv), shall consult with the Secretary.
- (c) In establishing the standards applicable under paragraph (a), the Principal Surveyor shall take into account the minimum standards set forth in Schedule I.

2.5 Requirements of the Safety Convention

The master, skipper or person-in-charge of a vessel shall carry out the requirements of Chapter V of the Safety Convention in respect of the following matters:

- (a) Danger Messages;
- (b) Information required in Danger Messages;
- (c) Misuse of Distress Signals; and
- (d) Distress Messages - Obligations and Procedures.

2.6 International Regulations for Preventing Collisions at Sea

- (a) The person in charge of the navigation of the vessel and the owner shall ensure that the vessel complies with the Collision Regulations.
- (b) Where any act or omission in whole or in part, directly or indirectly, results in a vessel being in noncompliance with the Collision Regulations:
 - (i) The master, skipper or person in charge of the navigation of the vessel; and
 - (ii) The owner or owners;

each commit an offence and each are subject to a fine not exceeding \$10,000.

PART 3 MUSTERS AND DRILLS

3.1 Musters and Inspection

- (a) At least once in every four weeks, the skipper of the vessel shall:
 - (i) cause the crew to be mustered; and
 - (ii) inspect the life-saving and fire fighting appliances of the vessel.
- (b) The skipper of a vessel shall cause a record of all musters and inspections required by this section to be carried out, to be entered in the Deck Log Book of the vessel.
- (c) A skipper of a vessel who fails to comply with a requirement of this section shall be subject to a fine not exceeding \$10,000.

3.2 Drills

- (a) The skipper of a vessel shall cause a life-saving drill and a fire fighting drill to be carried out on the vessel concurrently with the muster to be held under subsection 3.1(a).
- (b) At least once in every period of three months the skipper of a vessel shall cause each item of life-saving and fire fighting equipment to be

examined or tested, during the course of the drills referred to in subsection (a).

- (c) A drill carried out under this section must be so arranged that the crew fully understand and are practiced in the duties they have to perform in the event of an emergency.
- (d) The skipper of a vessel shall cause a record of all drills carried out as required by this section to be entered in the Deck Log Book of the vessel.
- (e) A skipper of a vessel who fails to comply with a requirement of this section shall be liable for a fine not exceeding \$10,000.

3.3 Instruction Cards

- (a) Where a vessel carries an inflatable liferaft, there shall be displayed in a prominent position on the vessel, an instruction card giving clear and simple direction for launching the liferaft.
- (b) There shall be displayed in a prominent position on a vessel, an instruction card giving clear and simple directions for the use of lifejackets.
- (c) Upon boarding of the vessel, each seaman shall be provided with a card which shall give in details the specific duties of the seaman and his assigned station during any emergency on board. The card shall be displayed at a conspicuous place in the seaman's quarters for his ready reference.
- (d) There shall be displayed in a prominent place aboard the vessel a completed Muster List showing for each seafarer the muster station and the duties in a life-saving or firefighting situation.

3.4 Emergency Signal - Where a vessel is fitted with a general alarm bell, the emergency signal to be sounded on that bell shall consist of a succession of not less than seven short rings followed by one long ring.

PART 4 EXEMPTIONS

4.1 Exemptions from Specific Requirements of Regulations - Subject to subsection (b), and in accordance with paragraph I.I.3 of the Fishing Vessel Code, the Principal Surveyor may, subject to such conditions, as he thinks fit, exempt a particular

vessel or class of vessels from any specific requirement of these Regulations, provided that:

- (a) adequate safety standards are being maintained, taking into account the age, type and condition of the vessel, the material of its hull and the area of fishing operations in which the vessel is employed;
- (b) to give the exemption will not:
 - (i) adversely affect safety of life at sea; or
 - (ii) harm the public interest;
- (c) an exemption granted under this section may be made in respect of:
 - (i) a particular period; or
 - (ii) one or more particular voyages.

PART 5 COMPLIANCE

5.1 Offences and Penalties - Any person who contravenes any provision of these Regulations for which a specific offence and penalty is not prescribed commits an offence and shall be subject to a fine not exceeding \$5,000.

SCHEDULE I

1. Fire Protection, Fire Detection and Fire Extinction

The standards contained in the Safety Convention and Chapter VI of the Fishing Vessel Code shall be applied to all vessels of 24 meters in length and above to the extent that they are practicable, as determined by the Secretary.

2. Life-saving Appliances

The standards contained in the Safety Convention and Chapter VIII of the Fishing Vessel Code shall be applied to all vessels of 24 meters in length and above to the extent that they are practicable, as determined by the Secretary.

3. Medical stores

- (1) Every vessel shall carry medical stores and publications in accordance with section 7.10 and Annex VI of the Fishing Vessel Code.
- (2) Every vessel shall be provided with storage facilities that are sufficient in size, design and construction for the safe and proper custody and storage of the medicines, medical and surgical stores and appliances required to be carried.

4. Radio

- (1) Subject to the provisions of subsections (2) to (5), the requirements for radio installations to be fitted and carried in vessels, the qualifications and duties of radiotelephone operators and the reporting of dangers to navigation and the positions and movements of vessels shall be to the satisfaction of the Secretary and conforming as nearly as practicable with Chapter IV of the Safety Convention, Chapter IX of the Fishing Vessel Code.
- (2) Every Category 1 and Category 2 vessel shall, to the satisfaction of the Secretary, be equipped with at least a single side-band radiotelephone installation consisting of:
 - (a) a transmitter and receiver;
 - (b) a radiation system;

- (c) a main and reserve source of electrical energy; and
 - (d) a VHF required by subsection 3.
- (3) Every Category 3 vessel shall, to the satisfaction of the Secretary, be equipped with VHF installation consisting of:
- (a) A transmitter and receiver;
 - (b) A radiation system; and
 - (c) A main and reserve source of electrical energy.
- (4) Every Category 1 vessel and Category 2 vessel shall carry a radiotelephone operator possessing a grade of qualification at least equal to that of the holder of a Restricted Radiotelephone Operator's Certificate of Proficiency issued in accordance with the STCW Regulations.
- (5) Every Category 3 vessel shall carry:
- (a) An operator possessing a grade of qualification set down in subsection (4); or
 - (b) An operator possessing a grade of qualification that, in the opinion of the Secretary, is appropriate for operation of the installation concerned.

5. Navigational Equipment

(1) Magnetic Compasses

- (a) Every Category 1 vessel and Category 2 vessel shall be fitted with:
 - (i) a standard magnetic compass;
 - (ii) except where heading information provided by the standard compass is available and clearly readable to the helmsman at the main steering position, a steering magnetic compass;
 - (iii) adequate means of communication between the standard compass position and the normal navigation control position; and
 - (iv) means for taking bearings over an arc of the horizon, to the greatest extent possible of 360°.
- (b) Every magnetic compass required under paragraph (a) shall be properly adjusted with its table or curve of residual deviations available at all times.

- (c) Except where a separate steering compass or a gyro compass is fitted, every Category 1 vessel and Category 2 vessel shall carry a spare magnetic compass, interchangeable with the standard compass.
- (d) Every Category 3 vessel shall be fitted with a steering compass properly adjusted at all times, and have means for taking bearings.
- (e) Where a vessel is provided with an emergency steering position, arrangements shall be made to supply heading information to that position.

(2) Electronic Navigational Equipment

- (a) Every vessel of 15 meters length or more shall be fitted with radar and echo-sounding equipment.
- (b) Where ship-borne aids to navigation including:
 - (i) radar;
 - (ii) radio direction-finding systems;
 - (iii) echo-sounding equipment; and
 - (iv) gyro compasses;

are carried in a vessel, they shall as far as practicable comply with the recommended performance standards contained in Annex VIII of the Fishing Vessel Code.

(3) Nautical Publications and Instruments

- (a) Every vessel shall carry adequate and up-to-date charts and chart instruments, Sailing Directions, Lists of Lights, Notices to Mariners, Tide Tables and all other nautical publications necessary for the area of fishing operations in which the vessel is engaged.
- (b) Photocopies of navigational charts or plans shall not be used and any person so doing commits an offence and is subject to a fine not exceeding \$5,000.

(4) Miscellaneous Navigational Equipment

- (a) Every vessel shall carry:

- (i) a hand lead line consisting of a lead at least 3 kilograms in weight and a line at least 45 meters in length, marked in accordance with the ordinary practice of seamen;
 - (ii) an efficient pair of binoculars fitted with strap and carrying case; and
 - (iii) an approved emergency position indicating radio beacon (EPIRB).
- (b) Every Category 1 and Category 2 vessel shall carry:
- (i) a sextant;
 - (ii) a chronometer or accurate time piece;
 - (iii) satellite navigation or position fixing equipment; and
 - (iv) an efficient barometer or barograph.

6. Miscellaneous Equipment

(1) Signaling lamps

- (a) Every Category 1 and Category 2 vessel shall carry an approved portable daylight-signaling lamp.
- (b) The lamp shall not be solely dependent on the vessel's main source of electrical power, but shall be capable of being powered by rechargeable batteries that can provide power for at least 3 hours before requiring to be recharged.
- (c) The rechargeable batteries shall be capable of being recharged from the vessel's main source of electrical power.
- (d) Every Category 3 vessel shall carry either the lamp and batteries under paragraphs (a) to (c) or an approved waterproof electric flashlight or torch that can be used to signal in Morse code.
- (e) Every vessel shall carry at least one spare bulb appropriate to the equipment in use, and in the case of a vessel carrying the flashlight or torch, a suitable number of spare batteries.

(2) International Code Flags

Every vessel shall carry such flags of the International Code as the

Secretary considers appropriate for the size of the vessel and the nature of the fishing operations in which the vessel is engaged.

(3) International Code of Signals

Every vessel shall carry the International Code of Signals.

(4) Pilot ladders

Every vessel shall carry a pilot ladder that complies with the standards contained in Annex IX of the Fishing Vessels Code.

(5) Navigation lights, shapes and sounds signals

- (a) Every vessel shall carry the navigation lights, shapes and sound signals required for it under the Collision Regulations.
- (b) Every vessel shall be provided with an alternative source of power capable of operating the navigation lights for at least 3 hours in the event of failure of the main source.
- (c) Every vessel shall carry adequate spare equipment for the navigation lights, shapes and sound signals that it is required to carry under these Regulations and the Collision Regulations.

(6) Means of access to vessels

Safe means of access to and from a vessel shall be provided when it is at anchor, alongside a wharf or alongside another vessel.

(7) Hawsers and mooring lines

Every vessel shall carry hawsers and mooring lines sufficient in number, length and strength having regard to the size and type of the vessel.

(8) Communications from bridge to engine-room

Every vessel shall be provided with:

- (a) An engine-room telegraph or bridge control; and
- (b) An effective voice communication or telephone, which is independent of the vessel's main source of power, for the purpose of communicating orders from the bridge to the engine-room.

APPROVALS

Pursuant to the authority vested in me as Secretary of Transportation, Communications and Infrastructure by sections 103 and 402 of title 19 of the Code of the Federated States of Micronesia, I hereby issue and promulgate these Fishing Vessel Safety Regulations. These Regulations shall become effective upon approval by the President and compliance with Title 17 of the Code of the Federated States of Micronesia.

Date: _____

Akillino H. Susaia, Secretary
Department of Transportation,
Communications & Infrastructure

These Fishing Vessel Safety Regulations have been reviewed by the Department of Justice and found to be in proper legal form.

Date: _____

Paul E. McIlrath, Secretary
Department of Justice

I approve the adoption of these Regulations.

Date: _____

Leo A. Falcam, President
Federated States of Micronesia

EFFECTIVE DATE

The President having approved these Regulations, and the requirements of Title 17, section 102 of the Code of the Federated States of Micronesia now having been satisfied, I hereby declare that the foregoing Fishing Vessel Safety Regulations became effective on _____, 2002.

Akillino H. Susaia, Secretary
Department of Transportation,
Communications & Infrastructure