Dear Lilian

Thank you for your letter of 4 September regarding the Transport Select Committee’s consideration of the issue of fishing vessel and crew safety. I am grateful for the Committee’s interest in this important area which is vital to the UK economy and provides direct and indirect employment for many people.

I have sought to raise awareness of these issues since my arrival at the Department earlier this year. I made fishing safety a key focus of the inaugural Maritime Safety Week in July, where I chaired, together with George Eustace MP, a fishing vessel safety round table. The meeting explored the current state of play and I remain committed to working in partnership with the industry to deliver a step change in safety performance.

Much has already been done but the industry still has an unenviable safety record with fatalities and serious injuries occurring at an alarmingly high rate. Many of these accidents may have been prevented through the application of basic safety principles or equipment. I do not underestimate the scale of the challenge but am delighted to be able to outline the ambitious and innovative programme we are delivering below.

I recognise that, although fatalities had declined between 2001 and 2012, there has been no further improvement since then and, in some years, the number of fatalities have risen above the average. For this reason, the Fishing Industry Safety Group (FISG), as the body established to bring key stakeholders together to agree on how best to address this issue, has
developed a 10-year Strategy with the aim of eliminating preventable fatalities by 2027. The Strategy targets the three main causes: Man Overboard, Stability and Accidents to Persons. We are taking strong action in each of these areas which I will outline below.

**Increasing fishing crews' use of lifejackets and PLBs**

Although industry and the Seafish Industry Authority have distributed approximately 8,000 PFDs to fishermen for free since 2013, fatalities from Man Overboard incidents did not reduce. For this reason, with the implementation of ILO 188 Work in Fishing Convention in the UK later this year, fishermen will be required to wear a PFD unless the risk of going overboard has been eliminated. The way in which the risk has been eliminated must be recorded in a written risk assessment.

When fishermen go overboard, and particularly for those who operate single handed, it is vital to be able to locate them. Therefore, in October 2017, I launched the new Small Fishing Vessel Code, MSN 1871, which requires that, by October 2019, small fishing vessels under 10 meters must either have an Electronic Position Indicating Radio Beacon (EPIRB) on the vessel or a Personal Locator Beacon (PLB) for each member of the crew. Vessels over 10 meters must carry the EPIRB and we strongly recommend they have PLBs. This requirement is being phased in to allow fishermen to obtain European Maritime Fisheries Funding to assist with the purchase of this equipment.

There are already local initiatives, such as those in Plymouth and Wales, which provide PFDs with PLBs to the local industry. MCA has committed to working with Defra and the Devolved Administrations to investigate the feasibility of creating a UK-wide programme and to ensure that the available funding is fully utilised.

In addition to new legislation, raising awareness of the importance of wearing PFDs is also crucial. With the assistance of the MCA, Seafish and industry bodies, RNLI launched a social media campaign featuring real fishermen’s experiences and highlighting the dramatic increase in the chances of survival a PFD can deliver.

The MCA is also currently working with Seafish and RNLI to relaunch Seafish’s “Sea You Safe Home” campaign to further promote the wearing of PFDs in light of the change in regulations resulting from ILO 188.

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If a fisherman does go overboard quick recovery is essential. MSN 1871 now also requires that drills are conducted on small fishing vessels. At every inspection or survey, each vessel is required to have crew in attendance to conduct a Man Overboard Drill. A Safety Certificate will not be issued until that drill is carried out to the satisfaction of the surveyor.

The FISG Strategy also recognises that it is preferable to prevent the possibility of a Man Overboard incident in the first place. We expect the use of assessments to identify, mitigate or eliminate risks in the new ILO requirements will help to address this. Furthermore, during each survey and inspection, the MCA asks fishermen to conduct a risk review of areas on the vessel where a person might go overboard and to consider how to reduce or, preferably, eliminate that risk. The MCA has also issued a new Marine Guidance Note, MGN 571\(^2\), on prevention of Man Overboard, which includes guidance on the risk review.

Following on from their successful PFD campaign, RNLI are currently working on the development of a new national campaign to raise awareness of Man Overboard issues.

**Encourage, mandate and enforce use of vessel tracking devices in all circumstances**

I am aware of issues regarding Automatic Identification Systems being switched off by fishing vessels. We have taken action here too in order to improve notification and location information in an emergency. MSN 1871 requires all vessels to have either an EPIRB or a Personal Locator Beacon (PLB) for each member of the crew depending on the size of the vessel. MSN 1871 also specifies that EPIRBs and PLBs must be operated on 406MHz and therefore capable of quickly transmitting an accurate position obtained from a built-in GPS receiver to a satellite and on to HM Coastguard.

I understand that the Marine Management Organisation is currently working in partnership with inshore fisheries and conservation authorities to develop and use an inshore vessel monitoring system (IVMS) to maximise their potential as a management tool for marine protected areas and inshore fisheries. This system will have the capability to be used in search and rescue situations.

Vessel Monitoring Systems (VMS) are already mandatory for vessels over 12 meters. These systems use satellite-based monitoring to provide data to the relevant fisheries authority including course and speed. Proceeding to sea without an operational VMS system is an offence and may be prosecuted by the relevant enforcement authority.

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Address fishing vessel stability issues and increase compliance with related inspection regimes

It is rare for vessels of over 15 meters to have an incident involving stability as these vessels are already required to have an Approved Stability Book. In October 2017, the MCA introduced new Stability Criteria for new vessels of between 12 meters and 15 meters as part of MSN 1871.

Vessel stability is often impacted when owners make modifications to their vessels. Vessels of over 15 meters were already required to notify MCA of changes to their vessel and obtain approval. MSN 1871 now requires that owners of vessels under 15 meters must also notify MCA of proposed changes and gain approval with notifiable modifications including changes in the vessel’s mode of fishing and/or its gear or the fitting of additional equipment.

MSN 1871 also sets out how other vessels might assess their stability using either the Heel Test, as set out in MGN 503, or the Wolfson Freeboard Mark Method. The MCA recently consulted on a new MGN which will set out in greater detail how to apply the Wolfson Mark Method.

In 2017, the MCA also published specific Fishing Vessel Stability Guidance\(^3\). This new guidance is aimed primarily at the skippers of small fishing vessels and sets out the risks and hazards that involve stability and how to address these. This has been designed to complement the introduction of a revised suite of Seaﬁsh Stability Awareness Courses. Previously only a single Stability Awareness Course was available but, following a FISG review, three separate courses (basic, intermediate and advanced) have been introduced with the skippers of small fishing vessels being recommended to undertake the Advanced course. £250,000 of MCA funding has enabled us to offer all courses free of charge and also allowed Seafish to obtain match funding from the European Maritime and Fisheries Fund.

The MCA is also considering the introduction of mandatory Skippers Certificates for small fishing vessels. These are currently voluntary and to obtain them, fishermen must attend a number of courses including Bridge and Engine Watchkeeping and Stability Awareness. These courses are also available free of charge and, to date, approximately 4,000 fishermen have attended courses leading towards this Certificate.

The MCA are now working with FISG to develop mandatory stability criteria for new vessels under 12 meters and Stability Assessment methods for existing vessels under 15 meters. It is anticipated that these will be included in the next version of MSN 1871 planned for introduction in 2021.

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Defra liaison

Defra, MCA and DfT regularly liaise regarding safety at sea issues and how these can be addressed, which we will continue to do as we prepare to leave the Common Fisheries Policy and become an independent coastal state. Defra is unable to confirm timings for the introduction of the Fisheries Bill or comment on its content as they are still consulting on the Fisheries White Paper. As you note, Defra is committed to considering safety in the fishing industry throughout the policy development process and we are working closely with them to look into how this can be best achieved.

I have already mentioned the implementation of ILO 188 and the effect it will have in terms of PFDs but would also like to take this opportunity to update the Committee on its wider impacts for the fishing industry. Implementation represents an important step in the development of health and safety policy for the fishing industry, particularly as it will provide protection for all fishermen working on UK fishing vessels regardless of their employment status. The Government fully supports the aims of the Convention to ensure that all fishermen have decent conditions of work on board fishing vessels, a principle which also has the support of the fishing industry.

The Convention was adopted in Geneva by the International Labour Organization on 14 June 2007 and entered into force internationally on 16 November 2017. It entitles all commercial fishermen to written terms and conditions of employment, decent accommodation and food, medical care, regulated working time, repatriation, social protection and health and safety on board. It also requires medical certification for fishermen and provides minimum standards relating to recruitment and placement.

While many elements of the Convention are already in place in UK law, implementation will introduce some significant changes for the industry. In particular, the requirement for all fishermen regardless of their employment status to have a work agreement setting out minimum working conditions, an inspection regime and making medical fitness examination and certification mandatory for fishermen in the UK for the first time. Once the Convention is fully implemented all UK fishing vessels will be subject to regular inspection of living and working conditions on board by the MCA with the power to enforce decent standards.

We will continue to work in close partnership with the industry to identify additional actions which can be taken to further improve fishing safety. I intend to schedule further round tables to enable progress to be reviewed and ensure that we maintain focus on delivering FISG's aim of eliminating preventable fatalities by 2027.
Given the Committee's particular interest in fishing vessel safety, I would welcome an opportunity to meet with you to discuss how we might work together to raise its profile – and that of safety at sea more generally – to drive further improvements in performance.

Yours sincerely

NUSRAT GHANI