

L.N. 233 of 2021

**FISHERIES CONSERVATION AND MANAGEMENT ACT
(CAP. 425)**

Work in Fishing Convention (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by article 38 of the Fisheries Conservation and Management Act, the Minister for Agriculture, Fisheries, Food and Animal Rights, has made the following regulations:-

Citation.

S.L. 425. 14.

1. The title of these regulations is the Work in Fishing Convention (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Work in Fishing Convention Regulations, hereinafter referred to as the "principal regulations".

Amends
regulation 1 of
the principal
regulations.

2. Immediately after sub-regulation (2) of regulation of regulation 1 of the principal regulations, there shall be added the following new sub-regulations:

S.L. 234. 34.

S.L. 234. 36.

"(3) Notwithstanding anything provided in these regulations, these regulations shall apply without prejudice to the provisions of the Merchant Shipping (Fishing Vessels) (Minimum Safety and Health Requirements) Regulations and the Merchant Shipping (Fishing Vessel Safety) Rules:

Provided that in case of conflict between the provisions of these regulations and the provisions of the aforesaid regulations, the provisions of these regulations shall apply.

(4) The provisions of these regulations shall apply without prejudice to the provisions applicable to sea-fishing vessels according to Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, as in force from time to time:

Provided that in case of conflict between the provisions of these regulations and the provisions of said Directive, the provisions of these regulations shall apply.",

3. Regulation 2 of the principal regulations shall be renumbered as sub-regulation (1) and it shall be amended as follows: Amends regulation 2 of the principal regulations.

(a) the definition "competent authority" shall be substituted by the following new definition:

" "competent authority" means any public body, department, agency, authority, specialised units, commissions, boards or entities established for the exercise of a public authority according to law, or any other person or body otherwise subject to the control of the Government of Malta, which may according to law be responsible for a particular issue, sector or obligation, excluding the Director or the Department of Fisheries and Aquaculture;"

(b) the definition "consultation" shall be substituted by the following new definition:

" "consultation" means that the Director shall discuss with the Board any relevant matter requiring consultation according to these regulations;"

(c) the definition "fishing vessel" or "vessel" shall be substituted by the following new definition:

" "fishing vessel" or "vessel" means a local fishing vessel engaged in commercial fishing;"

(d) the definition "fisherman" shall be substituted by the following new definition:

" "fisherman" means any person involved in any work and in any capacity on board any fishing vessel, inclusive of self-employed fisherman providing services on board a fishing vessel, but excluding port pilots and shore personnel carrying out work on board a fishing vessel at the quay side;"

(e) immediately following the definition "master" there shall be added the following new definition:

Cap. 464. " "Medical Council" shall have the same meaning as assigned to it in the Health Care Professions Act;"

(f) the definition "night" shall be substituted by the following new definition:

" "night" means the period between 9 p.m. on any one

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day and 6 a.m. on the following day;";

(g) in the definition "safe manning document", immediately after the words "issued in case of Maltese vessel" there shall be added the words "by the Director or"; and

(h) immediately after the words "made under the Act." there shall be added the following new sub-regulation:

"(2) Save as otherwise provided in these regulations, the definitions provided for in the Act are to apply to these regulations."

Substitutes regulation 3 of the principal regulations.

4. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

"Applicability. 3. (1) Save as otherwise provided in these regulations, these regulations shall apply for all fisherman on board all fishing vessels and for all fishing vessels.

(2) In case of doubt as to whether any person or categories of persons are to be regarded as fishermen, or as to whether any vessels are to be considered as fishing vessels under these regulations, the matter shall be determined by the Director, following consultation with the Board.

(3) The Director may, on objective grounds, after consultation and whenever the application of these regulations raises special problems of a substantial nature in the light of the particular conditions of service of the fisherman or of the fishing vessels' operations concerned, exclude limited categories of fishermen or fishing vessels from the requirements of these regulations or from certain of its provisions:

Provided that any exclusions shall not apply after the 16th November 2022."

Amends regulation 5 of the principal regulations.

5. Regulation 5 of the principal regulations shall be renumbered as sub-regulation (1) and it shall be amended as follows:

(a) sub-regulation (1) thereof shall be amended as follows:

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) all fishermen working on his vessel have concluded a written fisherman's work agreement prior to working on his vessel, and that said agreement is comprehensible to the fishermen and protects them in a manner consistent with the provisions of these regulations;"

(ii) paragraph (b) thereof shall be substituted by the following new paragraph:

"(b) a fisherman's work agreement shall include articles providing the details, declarations, conditions and rights required according to Schedule V and in the absence thereof shall be deemed invalid at law, without prejudice to the rights of the fisherman according to these regulations and particularly of Schedule V;"

(b) immediately after paragraph (d) of sub-regulation (1) thereof there shall be added the following new sub-regulation:

"(2) Sub-regulation (1) shall not apply to any fishing vessel owner who is also single-handedly operating the vessel."

6. Regulation 6 of the principal regulations shall be renumbered as sub-regulation (1) and it shall be amended as follows:

Amends
regulation 6 of
the principal
regulations.

(a) in paragraph (b) thereof, the word "and" shall be deleted;

(b) in paragraph (c) thereof, the words "of these regulations." shall be substituted by the words "of these regulations; and";

(c) immediately after paragraph (c) thereof, the following new paragraphs shall be added:

"(d) he establishes on board procedures for the prevention, investigation and reporting of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned;

(e) every fisherman on board is provided with appropriate personal protective clothing and equipment, and has received basic safety training approved by the competent authority; and

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(f) fishermen are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned." and immediately thereafter there shall be added the following new sub-regulations:

"(2) The requirements of sub-regulation (1)(d) shall be applied according to the instructions of the Director following consultation according to these regulations.

(3) Anything done according to this regulation shall take into consideration the crew on board, the area of operation and the duration of the voyage."

Substitutes regulation 8 of the principal regulations.

7. Regulation 8 of the principal regulations shall be substituted by the following new regulation:

"Manning.

8. (1) The Director shall ensure that all fishing vessels are sufficiently and safely manned for their safe navigation and operation, and he may prescribe conditions for the safe manning of a fishing vessel as may be appropriate for the fishing vessel and its operations:

Provided that for fishing vessels of twenty-four metres in length or over, the Director shall establish a minimum level of manning for the safe navigation of the fishing vessel, specifying the number and the qualifications of the fishermen required.

(2) All fishing vessels shall be operated under the control of a competent master.

(3) Without prejudice to the obligations of the master at law, the owner of the fishing vessel shall be responsible for the fulfilment of all obligations under this regulation.

(4) Whenever conditions are prescribed according to sub-regulation (1), said conditions shall be deemed as part of the conditions of the fishing licence of a fishing vessel, without prejudice to the discretion of the Director to impose such conditions directly as conditions of a fishing licence according to the provisions of the Act.

(5) Any conditions prescribed according to sub-regulation (1) shall be communicated to the owner of the fishing vessel or to its registered master.

(6) A fishing vessel may not operate unless the requirements of this regulation are fulfilled at all times of operation:

Provided that any default in the requirements of this regulation shall *ipso iure* lead to the suspension of the fishing licence of the fishing vessel:

Provided further that no such suspension shall apply when it is proven that any said default was necessary as a result of any *force majeure* or distress during the operation of the fishing vessel."

8. Regulation 10 of the principal regulations shall be amended as follows:

Amends regulation 10 of the principal regulations.

(a) in paragraph (e) thereof, the words "are facilitated." shall be substituted by the words "are facilitated;" and immediately thereafter there shall be added the following new paragraphs:

"(f) that fishermen are trained in the handling of the types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;

(g) that the fishing vessel is stocked with adequate quantities of medical products and equipment as adequate according to the nature of the voyage, the area of operation, the crew, the type of work performed by all fishermen and the cargo of the fishing vessel;

(h) that himself, or his delegate, received special training in relation to the use of medical supplies on board, which training is to be updated periodically and at least every five years, and said training shall be relevant for the type of fishing vessel concerned, the risks involved, the crew, the area of operation, the length of the voyage and the needs involved, and it shall also be inclusive of and according to what is referred under Annex V of Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, as in force from time to time;

(i) that medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III of Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved

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medical treatment on board vessels, as in force from time to time, and said guides shall be in a language and format understood by himself or his delegate according to paragraph (h);

(j) that the fishing vessel carries a medical guide adopted or approved by the Medical Council in consultation with the Director, or the latest edition of the International Medical Guide for Ships."; and

(b) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulations:

"(3) All expenses related to compliance with the obligations of this regulation shall be borne by the fishing vessel owner, at no cost for the fishermen.

(4) The fishing vessel owner shall ensure that the master is competent to perform his obligations according to these regulations, and shall provide, at his expense and as may be needed, adequate training to ensure such competence.

(5) Without prejudice to any other law, if it is proven that the fishing vessel owner did not engage a competent master according to sub-regulation (4), the fishing vessel owner and the master shall be liable *in solidum* for any breach of these regulations which may result in damages or other claims of compensation according to law."

Substitutes regulation 12 of the principal regulations.

9. Regulation 12 of the principal regulations shall be substituted by the following new regulation:

"Minors acting as fishermen.

12. (1) Subject to the provisions of this regulation, no person under the age of sixteen years shall work on any local fishing vessel.

(2) Without prejudice to sub-regulation (3) and any other law, particularly those relating to work by persons under eighteen (18) years of age and laws on compulsory schooling, the Director may, in accordance with these regulations and under certain conditions, authorise persons aged fifteen (15) years of age and older to work on a local fishing vessel for the purposes of vocational training:

Provided that the Director may also authorise persons of the age of fifteen (15) to perform light work during school holidays and in such cases he shall determine, after consultation, the kinds of work permitted and shall prescribe the conditions in which such work shall be undertaken and the periods of rest required, which in no instance shall be less than those provided under regulation 24, as applicable *pro rata* for the authorised periods of work:

Provided further that regulations 25 and 27 shall be inapplicable for persons of fifteen (15) years of age who are engaged in work according to this regulation.

(3) Without prejudice to sub-regulation (4), no person aged less than eighteen (18) years may be authorised to work, or assigned activities by any other person, which by their nature or the circumstances in which they are carried out are likely to jeopardise the health, safety, physical, mental or social development, education or morals of such persons:

Provided that, without prejudice to the generality of this obligation, the Director may, after consultation and consideration of the risks concerned and applicable international standards, establish a list of activities which shall be deemed to jeopardise the health, safety, physical, mental or social development, education or morals of persons aged less than eighteen (18) years for the purposes of this regulation.

(4) The performance of the activities referred to in sub-regulation (3) by persons of sixteen (16) and seventeen (17) years of age may be authorised by the Director, after consultation, on condition that the health, safety, physical, mental and social development, education and morals of the young persons concerned are fully protected and that the young persons concerned have received adequate specific instruction or vocational training and have completed basic pre-sea safety training:

Provided that the authorisation for such work is indispensable for the vocational training of the person concerned and said work is performed at all times under the supervision of a person competent for the occupational health and safety of all those present on board the fishing vessel.

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Substitutes regulation 13 of the principal regulations.

10. Regulation 13 of the principal regulations shall be substituted by the following new regulation:

"Minors' night work.

13. (1) Without prejudice to the provisions of this regulation and notwithstanding the provisions of any other law, no fisherman under the age of eighteen (18) years shall work at night.

(2) If authorised to work according to regulation 12, and notwithstanding sub-regulation (1), the Director may allow work at night by a fisherman under the age of eighteen (18) years if:

(a) the effective training of the fishermen concerned, in accordance with established programmes and schedules, would be impaired; or

(b) the specific nature of the duty or a recognized training programme requires that the fishermen concerned perform duties at night and the Director determines, after consultation, that the work will not have a detrimental impact on their health or well-being:

Provided that any such night work shall be performed at all times under the supervision of a person competent for the occupational health and safety of all those present on board the fishing vessel.

(3) Prior to performing any night work as may be allowed according to sub-regulation (1), and at regular intervals thereafter, the fisherman concerned shall undergo a free assessment of their health and capacities to be submitted to the Director, unless the night work they perform is of an exceptional nature."

Amends regulation 14 of the principal regulations.

11. Regulation 14 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) Subject to the provisions of this regulation, no person shall act as a fisherman on any Maltese vessel, unless there has been delivered to the master of the vessel a certificate granted by a duly qualified medical practitioner certifying that the person is fit to be employed in that capacity:

Provided that the medical practitioner issuing

the medical certificate shall explicitly declare that the same has been issued in accordance with regulation 15.";

(b) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) The Director may, after consultation, dispense with the requirement under sub-regulation (1), after taking into account the safety and health of the fishermen, size of the vessel, availability of medical assistance and evacuation, duration of the voyage, area of operation and type of fishing operation."; and

(c) in sub-regulation (3) the words "the competent authority" shall be substituted by the words "the Director".

12. In regulation 15 of the principal regulations, the words "competent authority" shall be substituted by the words "Medical Council in consultation with the Director".

Amends regulation 15 of the principal regulations.

13. In sub-regulation (1) of regulation 16 of the principal regulations, the text "or in the case of a certificate solely concerning eyesight, by a person recognised by the competent authority," shall be substituted by the words "or in the case of a certificate solely concerning eyesight, by a person recognised by the Medical Council upon a reference for such purpose by the Director,".

Amends regulation 16 of the principal regulations.

14. In sub-regulation (3) of regulation 17 of the principal regulations, the words "or until the next port of call, whichever is the earliest, where the fisherman is to obtain a medical certificate from a qualified medical practitioner, provided that the period shall not exceed three months" shall be deleted.

Amends regulation 17 of the principal regulations.

15. Regulation 20 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 20 of the principal regulations.

"Medical review.

20. (1) In relation to matters concerning the medical certificate as provided for in these regulations, a fisherman may apply to the Director for his case to be reviewed by an independent medical referee, not being one who has already examined or given his opinion on the fisherman, as may be appointed by the Medical Council upon a reference of the case by the Director, in any one of the following cases:

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(a) upon the refusal of a medical practitioner to issue a medical certificate to the fisherman, in all cases, and including those in which the medical reasons for such a refusal have disappeared;

(b) upon any limitation imposed by or referred to in the medical certificate;

(c) upon the suspension for a period of more than three (3) months or the cancellation of that certificate by a medical practitioner pursuant to regulation 19; or

(d) if the fisherman had, during his examination, indicated that he finds himself unfit to perform his duties on board a fishing vessel, but the medical practitioner issued a medical certificate nonetheless attesting that the fisherman is medically fit to perform his duties on board a fishing vessel.

(2) Without prejudice to sub-regulation (1), the Medical Council may prepare and update a list of medical practitioners that may serve for the purposes of this regulation, and in so doing the Medical Council may also determine the medical practitioners to serve at particular times or in particular orders.

(3) If his medical opinion differs from that of the medical practitioner whose medical certificate, or lack thereof, is under review, the medical referee may issue the applicant under sub-regulation (1) with a new medical certificate and in doing so he may provide such restrictions as he deems appropriate for the benefit of the applicant and those working with him:

Provided that the medical referee may also confirm the medical opinion and, or medical certificate reviewed and these shall retain their validity from when and as issued by the relevant medical practitioner:

Provided further that when a medical referee issues a new medical certificate according to this sub-regulation, any medical certificate reviewed in the process shall from that moment cease to have any validity for the purposes of these regulations:

Provided further that a medical referee shall also be empowered to cancel a medical certificate under review if that is deemed necessary according to his medical opinion.

(4) The medical referee shall conclude his review no later than two months from when the application for review is referred to him together with all the supporting documentation provided by the applicant."

16. Regulation 25 of the principal regulations shall be amended as follows:

Amends regulation 25 of the principal regulations.

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) The Director may, after consultation, authorise collective agreements permitting exceptions to the limits in sub-regulations (1) and (2) of regulation 24, but shall have due regard for the general principles for the protection of the health and safety of the fishermen."; and

(b) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) In the absence of any collective agreement, or if the Director determines that the provisions in the agreement are inadequate, the Director shall determine such provisions to ensure the fishermen concerned have sufficient rest."

17. Regulation 28 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 28 of the principal regulations.

"28. A record of a fisherman's daily hours of rest shall be maintained by the master, or a person authorised by the master in accordance with Schedule III or as specified in the guidelines that shall be drawn up and published by the Director."

18. Regulation 31 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 31 of the principal regulations.

"Information on night duties.

31. A fishing vessel owner shall provide the competent authorities with such information on watch-keepers and other fishermen working at night as may be required by the competent authorities."

19. Regulation 32 of the principal regulations shall be deleted.

Deletes regulation 32 of the principal regulations.

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Deletes regulations 34 to 56 of the principal regulations.

20. Regulations 34 to 56 of the principal regulations shall be deleted.

Substitutes regulation 57 of the principal regulations.

21. Regulation 57 of the principal regulations shall be substituted by the following new regulation::

"Repatriation.

57. (1) When a fishing vessel is in a port outside Malta's jurisdiction, or at sea and heading towards such a port, the master and owner of the fishing vessel shall do all that is reasonably required so as to repatriate a fisherman to Malta, in any one of the following circumstances:

(a) when the fisherman's work agreement has expired;

(b) when the fisherman's work agreement has been terminated for justified reasons by one or more of the parties to that agreement; or

(c) when the fisherman is no longer able to carry out the duties required under the fisherman's work agreement or cannot be expected to carry out those duties in the specific circumstances of the fisherman and the fishing vessel:

Provided that when a fishing vessel is bound to return to Malta, or to a port outside the jurisdiction of Malta in the circumstances provided under sub-regulation (4), and such a return is planned within a maximum period of a week from when the relevant facts entitling a fisherman to repatriation arise, then such a period shall be deemed to be reasonable for the purposes of this regulation.

(2) Without prejudice to sub-regulation (3), the costs for the repatriation of the fisherman according to sub-regulation (1) shall be borne by the fishing vessel owner:

Provided that repatriation should happen as soon as possible and should the fisherman not be repatriated within a reasonable time or should the fishing vessel owner refuse to repatriate the fisherman, the fisherman may opt to repatriate himself at his expense:

Provided further that any repatriation expenses paid for by the fisherman shall be without prejudice to his right according to law to recover such expenses and any applicable damages from the fishing vessel owner when the latter were obliged to bear such costs according to this regulation.

(3) When the repatriation was caused by the negligence or bad faith of the fisherman himself, the fishing vessel owner shall have the right to recover any repatriation costs suffered by them, without prejudice to any applicable damages according to law.

(4) The fisherman and the fishing vessel owner, may agree in writing to repatriate the fisherman outside the jurisdiction of Malta:

Provided that a copy of such agreement is delivered to the Director upon request or in any case not later than the working day following the return of the fishing vessel within the jurisdiction of Malta.

(5) The provisions of this regulation are without prejudice to any right of the fishing vessel owner to recover repatriation costs under third party contractual agreements.

(6) In case the fishing vessel owner does not cover the repatriation expenses of a fisherman and the fisherman is not reasonably capable of covering those expenses according to sub-regulation (2), the Government of Malta shall cover those expenses:

Provided that the Government of Malta shall have a right to recover the same expenses from the fishing vessel owner."

22. Regulations 58 and 59 of the principal regulations shall be deleted.

Deletes regulations 58 and 59 of the principal regulations.

23. Regulation 60 of the principal regulations shall be amended as follows:

Amends regulation 60 of the principal regulations.

(a) the marginal note thereof shall be substituted by the words "Abandonment of fishermen.";

(b) sub-regulations (2) to (7) thereof shall be deleted; and

(c) the words "employment agreement" shall be substituted by the words "work agreement".

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Deletes heading of the principal regulations.

24. The heading "Deceased or distressed fishermen" shall be deleted.

Deletes regulations 61 to 71 of the principal regulations.

25. Regulations 61 to 71 of the principal regulations shall be deleted.

Substitutes regulation 72 of the principal regulations.

26. Regulation 72 of the principal regulations shall be substituted by the following new regulation:

"Crew list.

72. (1) The master of the fishing vessel shall be responsible to draw up a crew list, in writing, for every fishing trip.

(2) A copy of the crew list shall be submitted to the Director immediately before leaving port:

Provided that the master of the fishing vessel may also communicate the contents of the crew list to the Director immediately after leaving port:

Provided further that the master of the fishing vessel shall provide the Director with a copy of the crew list immediately after returning to port.

(3) For the purposes of proving compliance with this regulation, the master of the fishing vessel may also provide the crew list to any other competent authority according to any other law:

Provided that the Director may request to receive a copy of the crew list from the master and, or from the owner of the fishing vessel, and he may also request the crew list of the fishing vessel from any other competent authority according to law."

Amends regulation 73 of the principal regulation.

27. Regulation 73 of the principal regulations shall be amended as follows:

(a) the marginal note thereof shall be substituted by the words "Food and accommodation. Schedule IV.";

(b) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) All fishing vessels shall be in compliance with the minimum guidelines on food and weekly rations set out in Schedule IV and such rations shall be of sufficient nutritional value and of adequate quality.";

(c) in sub-regulation (2) thereof, the words "The competent authority" shall be substituted by the words "The Director"; and

(d) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulations:

"(3) All guidelines published according to this regulation shall be presumed to provide the following requirements:

(a) that the food and water provided according to these regulations shall be at no cost to the fisherman and of adequate quality, and no agreement to the contrary shall be deemed valid at law; and

(b) that nothing in said guidelines shall provide for lesser rights to fishermen as otherwise available or allowable according to law.

(4) Guidelines published according to this regulation shall consider the provisions of Schedule IV as a minimum, and any provisions in said guidelines in relation to matters provided under Schedule IV shall consider the same and may provide for more favourable provisions for fishermen.

(5) The Director may, following consultation, exempt categories of fishing vessels from the application of this regulation."

28. The headings "HEALTH AND SOCIAL WELFARE SERVICES" and "Owner's liability for medical care" of the principal regulations shall be deleted. Deletes headings of the principal regulations.

29. Regulations 74 and 75 of the principal regulations shall be deleted. Deletes regulations 74 and 75 of the principal regulations.

30. Regulation 76 of the principal regulations shall be substituted by the following new regulation: Substitutes regulation 76 of the principal regulations.

"Medical assistance.

76. (1) Fishing vessels owners shall ensure that at least one fisherman on board is in charge of medical care and for administering medicine as part of his regular duties, or at least one fisherman on board is competent to provide medical first aid.

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(2) Save if they are medical doctors, fishermen in charge of medical care on board shall have satisfactorily completed training in medical care and, or medical first aid.

(3) A fisherman has the right to medical treatment on board the fishing vessel, and the right to be taken ashore in a timely manner for medical care and treatment in the event of a work-related injury, any serious injury or illness occurring to him.

(4) When fishermen working on a fishing vessel are on board or outside the jurisdiction of Malta, the fishing vessel owner shall be responsible for the fishermen's necessary:

- (a) health protection; and, or
- (b) medical care;
- (c) medical support;
- (d) medical assistance;
- (e) medical treatment; and, or
- (f) for their general well-being.

(5) All expenses in relation to this regulation shall be borne by the fishing vessel owner, up to the moment of a fisherman's repatriation if applicable, unless the relevant medical services are covered by the social security system of Malta or any other public medical service in Malta which would otherwise be available to the concerned fishermen:

Provided that nothing in this sub-regulation shall be construed as being against any right or obligation in the fisherman's work agreement allowing the fisherman access to private medical services at the expense of the fishing vessel owner:

Provided further that anything done according to this regulation shall be at no cost to the fisherman."

Substitutes regulation 77 of the principal regulations.

31. Regulation 77 of the principal regulations shall be substituted by the following new regulation:

"Liability.

77. Without prejudice to any other law and save if otherwise provided in these regulations, the fishing vessel owner shall be liable towards the fisherman for any right resulting from these regulations and for any default thereof:

Provided that the fishing vessel owner may defend himself by proving that any such default is not due to his own omissions or actions, and he did all that was reasonably possible to avoid such a default:

Provided further that any omission or action by the master shall not be a defence available to the fishing vessel owner, and any default by the master shall give rise to liability *in solidum* against the master and the fishing vessel owner, in favour of the fisherman."

32. Regulation 78 of the principal regulations shall be amended as follows:

Amends regulation 78 of the principal regulations.

(a) in the proviso to sub-regulation (1) thereof, the words "shall take appropriate action." shall be substituted by the words "shall take appropriate action:" and immediately thereafter there shall be added the following new proviso:

"Provided further that any assessment according to this regulation shall be conducted with the participation of fishermen or their chosen representatives, as appropriate."

33. Regulation 79 of the principal regulations shall be deleted.

Deletes of regulation 79 of the principal regulations.

34. Regulation 80 of the principal regulations shall be amended as follows:

Amends regulation 80 of the principal regulations.

(a) the marginal note thereof shall be substituted by the words "Drawing up of assessments and provision of materials.";

(b) paragraph (a) thereof, the words "safety policy and programme; and" shall be substituted by the words "safety policy and programme;"

(c) in paragraph (b) thereof, the words "the age of eighteen years." shall be substituted by the words "the age of eighteen (18) years; and"; and immediately thereafter there shall be added the following new paragraph:

"(c) his obligation to provide the fishing vessel crew with suitable guidance, training material and, or other appropriate information on how to evaluate and manage risks to safety and health on board the fishing vessel, as

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appropriate after taking into consideration the crew on board, the area of operation and the duration of the voyage, and the provided guidance, material or information shall form part of the protective measures to be implemented according to regulation 78(4)."

Deletes heading of the principal regulations.

35. The heading "Complaints" of the principal regulations shall be deleted.

Deletes regulations 82 to 84 of the principal regulations.

36. Regulations 82 to 84 of the principal regulations shall be deleted.

Amends regulation 85 of the principal regulations.

37. Sub-regulation (4) of regulation 85 of the principal regulations shall be deleted.

Adds new regulation to the principal regulations.

38. Immediately after regulation 87 there shall be added the following new regulation:

"Radio and satellite communications.

88. (1) Unless otherwise provided according to law, the competent authority shall be empowered to designate and, or establish centres to provide fisherman on board fishing vessels and at sea with free medical advice by radio or satellite communication.

(2) Any centre designated and, or established according to sub-regulation (1) shall have at least one medical doctor trained in the special conditions prevailing on board fishing vessels in general:

Provided that the Medical Council shall designate said medical doctor or a medical doctor which in its opinion is professionally competent to serve according to this regulation.

(3) The competent authority shall be empowered to order the installation of adequate radio or satellite communication systems on board fishing vessels for the purposes of these regulations:

Provided that any such system shall be at the expense of the fishing vessel owner."

Amends Schedule I to the principal regulations.

39. In Schedule I to the principal regulations, the words "competent authority" wherever they occur, with the exception of item 11, shall be substituted by the word "Director".

Adds new Schedule to the principal regulations.

40. Immediately after Schedule IV to the principal regulations there shall be added the following new Schedule:

"Schedule V
MINIMUM CONTENTS, CONDITIONS AND RIGHTS IN A
FISHERMAN'S WORK AGREEMENT

1. The fisherman's family name and other names, date of birth and birthplace.
2. Date and place of conclusion of agreement between the parties.
3. The name of the fishing vessel or fishing vessels on which the fisherman may be asked work, and their registration numbers in the Fishing Vessel Register.
4. The name of the fishing vessel owner.
5. A general indication of the voyages to be undertaken or, if possible, their exact specification.
6. The role taken on board by the fisherman.
7. The first date or dates, as may be known and agreed, when the fisherman is to report on board for work.
8. The wages and, or remuneration due to the fisherman.
9. For definite contracts, the termination date and, or termination method for the fisherman's work agreement and, if applicable, the port of destination and time after which the agreement is deemed to terminate if the agreement is for a determined voyage.
10. For indefinite contracts, the methods of termination agreed and available to all parties, as well as the applicable notice periods which shall be equal for all parties or longer for the fishing vessel owner if he opts to give a termination notice to the fisherman.
11. A declaration that the fisherman's work agreement is subject to all the requirements of these regulations and any other law applicable to the working relationship, if such law is not in conflict with these regulations or provides further or more favourable rights to the fisherman when compared to those provided under these regulations.
12. A declaration that nothing provided in the fisherman's work agreement lessens, derogates or waives any right as applicable to the fisherman according to these regulations and, or any other law.
13. If a collective bargaining agreement is applicable, a

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specific reference to it must be made.

14. The declaration that the fishing vessel owner shall, without prejudice to any other right or obligation at law, be contractually liable, by virtue of the fisherman's work agreement, to compensate the fisherman in the event of any sickness or injury due to occupational accident or disease, save if such compensation is covered by the social security system of Malta or any other public system in Malta which is available to the concerned fishermen."
