

**ST HELENA**

**MERCHANT SHIPPING ORDINANCE 2021**

**MERCHANT SHIPPING (SAFETY OF LARGE ST HELENA REGISTERED  
FISHING VESSELS AND FOREIGN REGISTERED FISHING VESSELS)  
REGULATIONS 2026**

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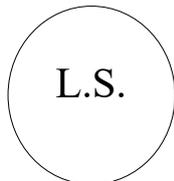
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**Legal Notice No. 4 of 2026**



**ST HELENA**



**MERCHANT SHIPPING ORDINANCE 2021**

**MERCHANT SHIPPING (SAFETY OF LARGE ST HELENA REGISTERED  
FISHING VESSELS AND FOREIGN REGISTERED FISHING VESSELS)  
REGULATIONS 2026**

In exercise of the powers conferred by sections 34, 55 and 124 of the Merchant Shipping Ordinance 2021, the Governor on the advice of the Executive Council makes the following Regulations.

**PART 1  
PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Safety of Large St Helena Registered Fishing Vessels and Foreign Registered Fishing Vessels) Regulations 2026, and come into force on publication.

**Interpretation**

2. (1) In these Regulations—  
“**enforcement officer**” means—
  - (a) the Maritime Authority;
  - (b) the Harbour Master appointed under the Ports Ordinance 2016;
  - (c) a Customs Officer appointed under the Customs and Excise Ordinance 1999;

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(d) a fisheries protection officer appointed under the Fisheries Ordinance 2021;

“**flag State**” means, in relation to a foreign registered fishing vessel, the territory where the vessel is registered;

“**foreign registered fishing vessel**” means a fishing vessel registered in a territory other than St Helena.

“**large fishing vessel**” means a fishing vessel of at least 24 metres overall registered length;

“**Merchant Shipping Notice**” means a Notice described as such and issued by the MCA as amended or replaced from time to time;

“**prescribed fee**” means—

- (a) where a survey is carried out by or on behalf of the MCA or a Recognised Organisation, the fee charged by that organisation and recovered directly from the customer, or
- (b) in all other circumstances, the fee set by the Maritime Authority and published by notice in the Gazette;

“**registered length**” means the measurement which—

- (a) is recorded as the registered length in the vessel’s certificate of registry issued under St Helena law,
- (b) is recorded as the registered length in any equivalent certificate issued in the case of a vessel registered outside St Helena, or
- (c) would be recorded as the registered length if the vessel were a St Helena fishing vessel, in the case of an unregistered vessel;

“**relevant inspector**” means a person appointed in accordance with the provisions of s103C of the Merchant Shipping Ordinance 2021;

“**Statement of Compliance**” means a statement issued in accordance with regulation 4;

“**St Helena registered fishing vessel**” means a fishing vessel which is registered in St Helena;

“**Torremolinos Protocol**” means the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels 1977.

(2) For the purposes of these Regulations the “**Code of Practice**” means the “Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over”, set out in Merchant Shipping Notice MSN 1873 Amndt 1 (F) published by the MCA in the United Kingdom in November 2018, as amended or replaced from time to time and as modified to the extent stated in the Schedule to these Regulations.

(3) A reference in these Regulations to a section in the Code of Practice is to be read as a reference to that section as amended or replaced from time to time and as modified to the extent stated in the Schedule to these Regulations.

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**Application**

3. (1) These Regulations, except regulation 12 (foreign registered fishing vessels) apply to St Helena registered fishing vessels.
- (2) Regulation 12 (foreign registered fishing vessels) applies to foreign registered fishing vessels.

**PART 2  
ALL FISHING VESSELS**

**Statement of Compliance**

4. (1) The Maritime Authority must issue a Statement of Compliance in respect of a St Helena registered fishing vessel in the following circumstances—
  - (a) a surveyor, following a survey carried out in accordance with sections 1.3.4 and 1.3.5. of the Code of Practice, is satisfied that the vessel complies with the Code of Practice, or
  - (b) an exemption granted by the Maritime Authority under regulation 16 (exemptions) applies to the vessel, and a surveyor, having carried out a survey in accordance with sections 1.3.4 and 1.3.5. of the Code of Practice, is satisfied that the vessel complies with—
    - (i) the Code of Practice, other than to the extent of that exemption, and
    - (ii) any conditions and limitations subject to which the exemption has been granted, and
  - (c) in either case, that any prescribed fees have been paid.
- (2) A Statement of Compliance must—
  - (a) have a period of validity not exceeding that provided for in section 1.3.7 of the Code of Practice,
  - (b) be supplemented by a record of equipment, and
  - (c) be in the format set out in Annex 1 to the Code of Practice.
- (3) In this regulation, “**record of equipment**” means a document containing the information required by the Torremolinos Protocol.

**Prohibition on proceeding on any voyage without a Statement of Compliance**

5. (1) Subject to paragraph (2), a St Helena registered fishing vessel must not proceed on a voyage unless—

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- (a) the Maritime Authority has issued a Statement of Compliance in respect of that vessel,
  - (b) the Statement of Compliance is valid at the time of the voyage, and
  - (c) the vessel continues to comply with the applicable Code of Practice.
- (2) Where the Statement of Compliance issued in respect of a fishing vessel has been suspended under regulation 8 (suspension of statements of compliance), paragraph (1) does not prohibit that vessel from returning to port.
- (3) Contravention of paragraph (1) is an offence by both the owner and master of the fishing vessel.  
Penalty: A fine of £20,000 or imprisonment for 2 years, or both.
- (4) It is a defence for a person charged under paragraph (3) to show that all reasonable precautions to avoid committing the offence were taken.

**Accidents and defects**

6. (1) The owner and master of a St Helena registered fishing vessel must ensure that whenever an accident occurs to a fishing vessel or a defect is discovered, either of which affects the safety of the vessel or the efficiency or completeness of its life-saving appliances or other equipment—
- (a) it is reported at the earliest opportunity to the Maritime Authority, and
  - (b) if the fishing vessel is in a port outside St Helena it is also reported to the appropriate authorities of the country in which the port is situated.
- (2) If a report is made under paragraph (1), the Maritime Authority must determine whether a survey is necessary, and if so, require one to be carried out.
- (3) If the survey referred to in paragraph (2) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ship or its equipment, a further survey must be carried out on the completion of those repairs or renewals.

**Obligation to notify of proposed changes to vessel**

7. (1) The owner of a St Helena registered fishing vessel must notify the Maritime Authority at the earliest opportunity of the details of any proposal to alter or modify the structure of that vessel, remove or reposition engines or machinery or change the mode of fishing.

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(2) The Maritime Authority must determine whether a survey is necessary, and if so, require one to be carried out in accordance with sections 1.3.4 to 1.3.6 of the Code of Practice.

(3) If the survey referred to in paragraph (2) shows that a further survey is required after the completion of the changes to the vessel, a further survey must be carried out.

### **Suspension of Statements of Compliance**

8. (1) If the Maritime Authority determines that a survey of a fishing vessel is required under regulation 6 or 7, the Statement of Compliance may be suspended until that survey is carried out.

(2) If a surveyor is satisfied, following a survey of the fishing vessel, that the vessel complies with the Code of Practice, the Maritime Authority must lift the suspension.

### **Cancellation of Statements of Compliance etc.**

9. (1) The Maritime Authority may, by giving notice in writing to the owner of a fishing vessel, cancel a Statement of Compliance issued in respect of the vessel where it has reason to believe that that Statement—

- (a) was issued on the basis of false or erroneous information,
- (b) has been intentionally altered (other than by or on the instructions of the Maritime Authority), or
- (c) has been used by, loaned to, or allowed to be used by a person to whom the Statement was not issued.

(2) The Maritime Authority may by notice in writing require that a Statement of Compliance which—

- (a) has expired,
- (b) has ceased to be valid because the vessel no longer complies with the Code of Practice, or
- (c) has been cancelled,

be surrendered as directed in the notice.

(3) If the owner or master of a fishing vessel fails without reasonable cause to surrender a Statement of Compliance pursuant to a notice issued under paragraph (2), that owner or master is guilty of an offence.

Penalty: A fine of £500.

**HB 18 No. 4** *Merchant Shipping (Safety of Large St Helena Registered Fishing Vessels and Foreign Registered Fishing Vessels) Regulations 2026.*

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**Production of Statement of Compliance**

10. (1) The master of any fishing vessel to which this regulation applies must, on demand, produce to a relevant inspector or enforcement officer the Statement of Compliance issued in respect of that vessel.
- (2) Where a demand is made under paragraph (1) the fishing vessel is liable to be detained until the Statement of Compliance is produced.

**PART 4**  
**INSPECTION AND DETENTION**

**Detention of a St Helena registered fishing vessel**

11. (1) Where a surveyor, enforcement officer or relevant inspector is satisfied that there is or has been a failure by an owner or master of a St Helena registered fishing vessel to comply with the requirements of these regulations, that vessel is liable to be detained.
- (2) Where a vessel is liable to be detained under paragraph (1), the person detaining the vessel must serve on the owner or master a detention notice which states—
- (a) the grounds of the detention, and
  - (b) the terms of the notice to be complied with before the vessel is released.
- (3) A surveyor, enforcement officer or relevant inspector may permit a fishing vessel which is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard provided the surveyor or inspector deems the vessel seaworthy to do so.
- (4) A fishing vessel must not be delayed or detained unreasonably under this regulation.
- (5) Sections 115, 116A and 116B of the Merchant Shipping Ordinance 2021 apply to a detention under this regulation.

### **Foreign Registered Fishing Vessels**

12. (1) The master of any foreign registered fishing vessel in Jamestown Port must, on demand, produce to a relevant inspector or enforcement officer evidence that—
- (a) if the vessel’s registered length is 24 metres or over—
    - (i) it has been certified by its flag State as complying with the requirements of the Torremolinos Protocol, or
    - (ii) it has been certified by its flag State as meeting fishing vessel safety standards which are broadly equivalent to the requirements of the Torremolinos protocol, or
  - (b) if the vessel’s registered length is less than 24 metres, it has been certified by its flag State as complying with the requirements of that State applying to vessels of that length, and must continue to so comply while in Jamestown Port.
- (2) In paragraphs (1)(a) and (b), “**certified**” includes any form of documentation issued by the flag State recording that the vessel has been surveyed or inspected and found to be in compliance with the State’s safety requirements applicable to vessels of its length and which is valid throughout the time the vessel is in St Helena waters.
- (3) Where the relevant inspector or enforcement officer is satisfied that—
- (a) the certification offered in accordance with paragraph (1) has expired or is no longer valid,
  - (b) there are clear grounds for believing that the condition of the vessel or of its equipment does not correspond substantially with the particulars of the certificate , or
  - (c) that the vessel and its equipment are not in compliance with the relevant legislation,
- that vessel is liable to be detained.
- (4) Where a vessel is liable to be detained under paragraph (3), the person detaining the vessel must serve on the owner or master a detention notice which states—
- (a) the grounds of the detention, and
  - (b) the terms of the notice to be complied with before the vessel is released.
- (5) The person detaining the vessel must send a copy of the detention notice as soon as practicable to the nearest consular officer for the country in which the vessel is registered.

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- (6) A surveyor, enforcement officer or relevant inspector may permit a fishing vessel which is liable to be detained under paragraph (3) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard provided the surveyor or inspector deems the vessel seaworthy to do so.
- (7) A fishing vessel must not be delayed or detained unreasonably under this regulation.
- (8) Sections 115, 116A and 116B of the Merchant Shipping Ordinance 2021 apply to a detention under this regulation.
- (9) For the purposes of this regulation, “**Jamestown Port**” means the area declared as such in accordance with the Ports Ordinance 2016.

**Enforcement of detention**

- 13.** (1) Section 115 of the Ordinance (enforcing detention of ship) applies, where a fishing vessel is liable to be detained under these Regulations, as if references to detention of a ship under the Ordinance were references to detention of the fishing vessel in question under these Regulations.
- (2) Where a fishing vessel is liable to be detained by virtue of these Regulations, a surveyor, enforcement officer or relevant inspector must serve on the master a detention notice which—
- (a) states that, in the opinion of the surveyor, officer or inspector, the vessel does not comply with the requirements of these Regulations,
  - (b) specifies the requirements which, in the opinion of the surveyor, officer or inspector, are not met in relation to that vessel, and
  - (c) requires the terms of the notice to be complied with before the vessel is released by any person mentioned in section 115 of the Ordinance.

**Right of compensation**

- 14.** Sections 116A (references to arbitration) and 116B (compensation in connection with invalid detention of ship) of the Ordinance apply to a detention notice served under these Regulations as they apply to a detention notice served under the Ordinance.

**Equivalent provisions**

- 15.** Where the Code of Practice requires that a particular fitting, material, appliance or apparatus or type must be fitted or carried in a vessel, or that particular provisions must be made as respects a vessel, the Maritime Authority may permit any other fitting, material, appliance or apparatus or type to be fitted or carried in the vessel or any other

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provision to be made as respects the vessel, if the Maritime Authority is satisfied that such other fitting, material, appliance or apparatus, type or provision is at least as effective for the purpose for which the requirements in the Code of Practice are set.

**PART 5  
SUPPLEMENTARY PROVISIONS**

**Equivalent provisions**

16. Where the Code of Practice requires that a particular fitting, material, appliance or apparatus or type must be fitted or carried in a vessel, or that particular provisions must be made as respects a vessel, the Maritime Authority may permit any other fitting, material, appliance or apparatus or type to be fitted or carried in the vessel or any other provision to be made as respects the vessel, if the Maritime Authority is satisfied that such other fitting, material, appliance or apparatus, type or provision is at least as effective for the purpose for which the requirements in the Code of Practice are set.

**Exemptions**

17. (1) The Maritime Authority may grant an exemption from compliance with the Code of Practice or any provision of the Code.
- (2) An exemption may relate to a particular fishing vessel to which that Code of Practice is applicable, or to any class of such vessel.
- (3) An exemption may be granted under paragraph (1) only if—
- (a) the Maritime Authority is satisfied that compliance with the Code of Practice or provision, as the case may be, is impractical or unreasonable as regards that vessel or class of vessel, and
  - (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equal to that provided by the Code of Practice or provision in question.
- (4) An exemption granted under paragraph (1) is valid only if—
- (a) it is in writing,
  - (b) it specifies the date on which it takes effect, and
  - (c) it specifies the conditions and limitations to which it is subject.
- (6) The Maritime Authority may alter or cancel any exemption granted under paragraph (1).

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- (6) An alteration or cancellation under paragraph (5) is valid only if—
  - (a) it is in writing,
  - (b) it specifies the date on which it takes effect, and
  - (c) there is a reasonable period between the issue of the alteration or cancellation and that date.

**Transitional provisions**

- 18. Where, prior to the commencement of these Regulations, the MCA has issued a document concerning a vessel's compliance with the Code Practice that document remains valid for such period and subject to such conditions as may be specified in the document.

**Guidance**

- 19. (1) The Maritime Authority may from time to time—
  - (a) issue guidance in relation to these Regulations, or a Code, whether described as a Merchant Shipping Notice, a Marine Guidance Note, or by any other description, and
  - (b) adopt guidance in relation to these Regulations, or a Code, whether described as a Merchant Shipping Notice, a Marine Guidance Note or by any other description, which is issued by the MCA, subject to such modifications as are necessary to enable the guidance's application to St Helena.
- (2) Any person who exercises or performs a power or duty under these Regulations must have regard to any guidance issued or adopted under sub-regulation (1) which relates to the power or duty.
- (3) Any guidance issued or adopted under this regulation, or any modification to, or replacement of, that guidance, must be published by the Maritime Authority and in the manner considered appropriate by the Maritime Authority.

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**SCHEDULE**

Variations to the application and interpretation provisions of the MCA Merchant Shipping Notice (MSN) 1873(1) and the MCA Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over

Table 1 - Variations to MSN 1873 (1)

<b>CLAUSE</b>	<b>AMENDMENT</b>
2.0	Section to be omitted
5.0	Section to be omitted

Table 2 - Variations to the MCA Code of Practice for the Construction and Use of Fishing Vessels of 24m Registered Length and Over

<b>CLAUSE</b>	<b>AMENDMENT</b>
1.1.5	Clause to be omitted
1.1.6	Clause to be omitted
1.1.7	Clause to be omitted

<b>CLAUSE</b>	<b>AMENDMENT</b>
1.1.8	Clause to be omitted
1.1.9	Clause to be omitted
1.2.11	To be replaced with:

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	““Certifying Authority” means the St Helena Maritime Authority;”
1.2.104A	The following definition of Surveyor to be added: “Surveyor means a person appointed or authorised as a surveyor under section 103A of the Merchant Shipping Ordinance 2021.”
1.2.105	Reference to “International Fishing Vessel Certificate (IFVC)” to be replaced with “Statement of Compliance”
1.3.1.1	To be replaced with: “This Code applies to all fishing vessels, registered in St Helena, of 24 metres in length(L) and over in accordance with The Code of Practice for the Construction and Safe Operation of Fishing Vessels of 24 metres Registered Length and over.”
1.3.1.5	Clause to be omitted
1.3.1.6	References to the “MCA” to be replaced with “St Helena Maritime Authority”
1.3.2.1	Reference to “International Fishing Vessel Certificate” to be replaced with “Statement of Compliance”
1.3.3	Heading to be omitted
1.3.3.1	Clause to be omitted
1.3.4.1	To be replaced with: “Applications for survey or inspection shall be made by or on behalf of the owner of the vessel to the St Helena Maritime Authority, a Surveyor, or the Classification Society, as approved in section 1.2.5.1, giving reasonable notice for the survey or inspection to be carried out at the port agreed.”
1.3.4.2	To be replaced with: “A vessel may be inspected by a Surveyor at any time to verify compliance with Code requirements.”
1.3.5.1 (i)	Reference to “MCA” to be replaced with “Governor of St Helena”  Reference to “International Fishing Vessel Certificate” to be replaced with “Statement of Compliance”
1.3.5.2 (c)	References to “International Fishing Vessel Certificate” to be replaced with “Statement of Compliance”

CLAUSE	AMENDMENT
1.3.5.3	Reference to the “MCA” to be replaced with “St Helena Maritime Authority”
1.3.5.5	To be replaced with: “An organisation appointed by the Governor of St Helena to perform the survey of radio equipment shall carry out a survey to ascertain whether the

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	vessel complies with the requirements of the relevant St Helena legislation and this Code. On completion of the Radio Survey the surveyor of the authorised or recognised organisation shall provide the St Helena Maritime Authority with a declaration of radio survey.”
1.3.5.6	Reference to “International Fishing Vessel Certificate (IFVC)” to be replaced with “Statement of Compliance” Reference to “Merchant Shipping (Radio) Regulations 1999” to be replaced with “relevant St Helena legislation”.
1.3.5.7	To be replaced with:  “The surveyor from that organisation, if satisfied after each radio survey that the vessel complies with the requirements shall provide the St Helena Maritime Authority with a declaration of survey to that effect.”
1.3.6.1	References to “MCA” to be replaced with “St Helena Maritime Authority”
1.3.7.1	To be replaced with:  <b>Issue and form of Statement of Compliance</b> “If a Surveyor is satisfied that a vessel has been duly surveyed in accordance with the provisions of Chapter 2 to Chapter 10 of this Code and is found to comply with their requirements and with other relevant regulations issued under the powers of the Merchant Shipping Ordinance 2021, a Statement of Compliance will be issued by the St Helena Maritime Authority to the owner of the vessel.”
1.3.7.2 (i)	References to “International Fishing Vessel Certificate” to be replaced with “Statement of Compliance”
1.3.7.3 (iii)	Reference to “MCA” to be replaced with “St Helena Maritime Authority”
1.3.7.3 (iv) (c)	Reference to “MCA” to be replaced with “St Helena Maritime Authority”
1.3.8	Reference to “International Fishing Vessel Certificate” to be replaced with “Statement of Compliance”
1.3.8 (iii)	References to “MCA” to be replaced with “St Helena Maritime Authority”

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<b>CLAUSE</b>	<b>AMENDMENT</b>
1.3.10.1	To be replaced with: “The St Helena Maritime Authority is the Certifying Authority. However Classification Societies, as approved in 1.2.4.1 that are appointed by the Governor of St Helena, may appoint persons for the purpose of surveying vessels for ascertaining compliance with Code provisions.”
1.3.11	To be replaced with the appeal procedures set out in 116A of the MSO 2021.
1.3.12	References to the “UK” to be replaced with “St Helena”
1.3.12.3	Clause to be omitted
1.3.12.4	To be replaced with:  “The Vessel will be assessed against a Flag-in Matrix, which can be obtained from St Helena Maritime Authority, prior to acceptance on the St Helena Flag. Depending on the outcome of the assessment, the vessel will either be Flagged in by the St Helena Maritime Authority through survey, have a Pre Flag Inspection by a Surveyor prior to flag in Survey or be referred to the Flag in Panel for a decision.”
1.3.13.1	Reference to “MCA” to be replaced with “St Helena Maritime Authority”

Made this 27<sup>th</sup> day of February 2026.

Nigel Phillips CBE  
Governor