



Department
for Transport

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To: MPs with an interest in fishers' medical certifications

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Dear Colleagues,

Concessions to fishers' medical certifications

Thank you for meeting with ministers over recent months regarding fishers' medical certificates. The former Maritime Minister and the Secretary of State for Transport committed to following up on various questions with additional information and informing you of significant developments in this area.

Your meetings have been an important opportunity to discuss the concerns amongst the inshore fishing fleet in the face of the upcoming deadline for statutory medical fitness certificates for fishers. Please find attached in **Annex A** the responses to issues raised in these meetings. The Annex responds to queries raised on the implementation of fishers' medical policy in other countries, fishing incidents and fatalities involving health conditions, and the medical certificates requirements on foreign boats in UK waters. It also covers the Government view on sector-wide exemptions, and information on who was consulted when the regulations were developed and includes a summary of responses to the consultation.

Additionally, I am pleased to be able to inform you of concessions proposed by the Maritime and Coastguard Agency (MCA) that we have agreed which will help existing fishers applying for their medical certificate.

We have agreed to accept a different aided visual acuity standard for existing fishers under grandfather rights, bringing UK standards in line with international standards. This will allow existing fishers who do not meet the current UK standard to continue working if they meet the

international standard required. This will likely benefit a number of fishers.

We have also agreed to extend the date for grandfather rights to be applied to medical certificates to 30 April 2024. It was drawn to the attention of policy officials at the MCA during their “road shows” over the summer that seasonal fishers, those who only work during the better weather months, may be at a disadvantage when grandfather rights are applied. The requirement to hold a medical certificate applies when a fisher is working, and it was noted that a fisher who does not begin fishing again until spring may not apply for their medical certificate until then and could lose out on grandfather rights. For the avoidance of doubt, this does not affect the coming into force date for the requirement to hold a medical certificate when working, which is enshrined in the Regulations as of 30 November 2023.

The MCA and its medical assessors have also agreed under grandfather rights to allow existing fishers with a BMI of 35-40 with no comorbidities to obtain a certificate without capability/exercise testing. This has been implemented already.

The MCA will begin publicising these changes shortly and will contact those fishers affected who may already have been through the process. We are committed to ensuring that the MCA effectively communicates and works with fishers across the UK to implement this change, while working closely alongside key stakeholders such as yourselves.

In addition, following consultations with the DVLA and the Civil Aviation Authority (CAA) on medical standards for insulin-treated diabetes, the MCA is working in collaboration with the CAA on a pilot scheme for insulin-treated diabetic solo working fishers. This uses non-invasive blood glucose monitoring to allow them to continue working, on the condition that they engage with the pilot scheme. The CAA has an ongoing study into the blood measurements and safety profile of insulin-treated private pilots and has offered to work with the MCA to look at the safety of lone fisherman with insulin-treated diabetes.

The introduction of medical certificates aims to improve safety within the fishing sector. As the Maritime Minister, it is my duty to help ensure the industry is as safe as possible.

I am also copying this letter to other Members who have an interest but were unable to join the meetings.

Davies of Gower

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Implementation of ILO 188 by other countries

The MCA has written to all ratifying countries to ask them how they have implemented the medical certification Articles of the Work in Fishing Convention (ILO 188).

Denmark

Part time professional fishers are exempt from medical certification requirements. The medical practitioner may limit the examined person's fitness for ship service in relation to the following:

- The validity period of the health certificate;
- The field of work on board;
- The trade area.

France

France has confirmed that seafarers and fishers on vessels of all sizes are required to hold a valid health certificate and the medical standards are similar to the UK. Insulin dependent diabetes results in medical incapacity for entry into seafaring and they require annual examination from 55 years of age. The requirement for a medical certificate for fishers in France was in place before the ratification of ILO 188.

Germany

Germany requires a medical certificate for all fishermen on vessels of all sizes, which is based on the standards for seafarers.

Netherlands

Seafarers and fishers are required to hold a valid health certificate and the medical standards are similar to the UK. A seafarer or fisher with a BMI over 35 can be issued with a maximum period of fitness of 12 months, and with a BMI over 40 can only be issued with a certificate in consultation with the Netherlands Shipping Inspectorate. The Netherlands Shipping Inspectorate's medical adviser may issue exemptions for individual cases.

Norway

For vessels operating for continuous periods of less than three days at sea, fishers are exempt on fishing vessels up to 15 metres in overall length or of less than 100 gross tonnage when the vessel is less than 24 metres in length certified for Bank fishing or lesser trade areas.

Portugal

Seafarers and fishers are required to hold a valid health certificate and the medical standards are similar to the UK. Annual examination is required from 50 years of age or for under 18 years of age. For all other seafarers, the maximum validity is two years. Diabetes mellitus when controlled with insulin and obesity that reduces work capacity may justify temporary or permanent restrictions on the exercise of professional activity at work.

Poland

Poland has confirmed that fishers working on board fishing vessels are obliged to hold a valid medical certificate, regardless of their capacity or the length of the fishing vessel. The medical standards are the same for fishers, as well as for the seafarers working on merchant vessels and the same form is used for fishers and seafarers.

South Africa

Those working on fishing vessels of 9 metres or less are exempt from the requirement for medical certification unless they stay at sea for more than one night. Medical Examination Regulations for vessels under 25 gross tonnes are being drafted.

Draft regulations explore a reduced cost of medicals for fishers in lower income earning sectors. Current practice is that quite a few operators across the 22 fishing sectors operate both under 25 GT and over 25 GT. The South African administration reports a shift in practice, for operators to send their crews of under 25 GT for medicals.

Spain

All fishermen will be required to have a medical certificate when ILO 188 comes into force in Spain on 29 February 2024.

Sweden

Sweden has not ratified ILO 188. There is no difference in medical examinations for seafarers and fishermen working on fishing vessels of 24 metres in length and over or which remain at sea for more than three days. There are exemptions for seafarers and fishermen close to shore not further than one nautical mile, their medical examinations can be restricted to vision and hearing only.

Fishing incidents due to medical conditions

The Marine Accident Investigation Branch have identified potentially nine incidents since July 1994 where an accident or injury occurred which

was likely either caused by, or exacerbated by, an existing medical condition. However, this does not include calls to HM Coastguard (HMCG), Telemedical Advice or Royal National Lifeboat Institution (RNLI) call outs.

In 2022, HM Coastguard responded to 42 calls from commercial fishing vessels on medical grounds where telemedical advisory services were required. Half of those are recorded as injuries, and the other half are recorded as illness.

Of the 21 calls recorded as illness, 7 were recorded as from under 10m vessels.

In the first quarter of 2023, the Aberdeen Royal Infirmary telemedical advice service provider took five calls relating to fishing vessels, two of these were injuries. However, three calls were medical incidents, one brain haemorrhage which was related to a pre-existing condition, one presenting with chest pain who had a history of cardiac conditions and one was a diabetic suffering from suspected diabetic ketoacidosis.

Medical certificate requirements on foreign vessels

The Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018 Regulation 16 applies in relation to fishing vessels which are **not** United Kingdom fishing vessels while they are in United Kingdom waters.

Regulation 16 paragraph 1 says *“When a fishing vessel other than a United Kingdom fishing vessel is in United Kingdom waters, a relevant inspector may inspect that fishing vessel, and may require any fisherman on board that fishing vessel to produce any document, in order to ascertain whether the requirements of Article 10 of the Work in Fishing Convention are met in relation to the fishermen working on that vessel.”*

Paragraph 2 says *“Where a relevant inspector is satisfied that any fisherman on a vessel which is not a United Kingdom fishing vessel is unable to prove that that fisherman is working in accordance with the medical certification requirements of Article 10 of the Work in Fishing Convention, the relevant inspector may send – (a) a report to the government of the State whose flag the fishing vessel is entitled to fly; and (b) a copy of the report to the Director General of the International Labour Office.”*

Medical certificate exemptions

During the first meeting of the UK's Work in Fishing Convention tripartite working group (made up of fishers and fishing vessel owner representatives) a group consensus was reached in that no group of fishers should be exempt from the medical certification requirements, provided that grandfather rights were put in place for existing fishers. No exemptions have been granted thus far.

The Government will not implement any sector-wide exemptions, as supported by the tripartite working group consensus and public consultation. Introducing medical certificates for all fishers helps to professionalise the fishing workforce and helps protect the health and safety of fishers, as all workers are entitled to work in environments where risks to their health and safety are properly controlled. The size or operating area of a vessel should not exclude workers from adequate health and safety risk measures.

Regulation 14 of the Merchant Shipping (Work in Fishing Convention) (Medical Certification) Regulations 2018 says:

“(1) Subject to paragraph (3) the Secretary of State may grant exemptions from the requirements of regulations 4 [Fishermen to have a valid medical fitness certificate] and 5 [No persons to be employed as a fishermen without a medical fitness certificate].

(2) Before granting an exemption the Secretary of State must-

- (a) consult such persons as representing persons engaged in the fishing industry as appear appropriate; and
- (b) take into account the safety and health of fishermen, the size of the vessel, the availability of medical assistance and evacuation, the duration of the voyage, the area of operation, and type of fishing operation.

(3) The power to grant exemptions in paragraph (1) does not apply in respect of fishermen employed or engaged for work-

- (a) on fishing vessels of 24 metres or more in length; or
- (b) in fishing vessels which normally remain at sea for more than three days.

(4) An exemption granted under this regulation must-

- (a) be in writing;

- (b) specify the date on which it takes effect; and
- (c) specify the terms (if any) on which it is given.”

Public consultation

International Labour Organization Conventions are implemented through tripartite working. In the UK, this is the Work in Fishing Tripartite Working Group which was originally created from a subgroup of the Fishing Industry Safety Group. The four national federations which are members of the Work in Fishing Tripartite Working Group representing fishing vessel owners represent a diverse range of operators, including the inshore sector. The workers representatives on this group are Nautilus International and the Fishermen’s Mission, recently (January 2023) the International Transport Workers' Federation (ITF) have joined as an advisor to Nautilus primarily to represent the migrant workers now working in the UK industry.

In addition to tripartite consultation, during the development of implementation proposals, a public consultation exercise on GOV.UK ran from 13 November 2017 to 12 January 2018. The initial consultation and response to the consultation can be found here:

<https://www.gov.uk/government/consultations/implementation-of-the-ilo-work-in-fishing-convention-2007-ilo-188-into-uk-law>.

The MCA notified the following organisations of the public consultation:
Members of the tripartite working group:

- Nautilus International
- The Fishermen’s Mission
- Welsh Fishermen’s Federation (WFF)
- National Federation of Fishermen’s Organisations (NFFO)
- Scottish Fishermen’s Federation (SFF)
- Northern Ireland Fish Producers Organisation (NIFPO)

Others:

- Seafish
- Scottish Pelagic Fishing Association
- Cornish Fish Producers Organisation
- Seafood Cornwall
- South Western Fish Producer Organisation (SWFPO)
- Cornwall Rural Community Charity
- Seafarers UK
- Apostleship of the Sea
- Dorset and East Devon Fisheries Action Group

- Shipowners Club
- Sunderland Marine
- 2x Consultant surveyors working with fishing vessels
- Find a fishing boat

Standard MCA consultees:

- International Christian Maritime Association
- International Group of P&I Clubs
- International Institute of Marine Surveying
- International Jack-up Operators Association
- Lloyd's Register of Shipping
- Local Government Association
- Maritime Skills Alliance
- MacDuff Shipyards
- Maritime London
- National Workboat Association
- Port of London Authority
- Professional Boatmans Association
- Royal Fleet Auxiliary
- Royal Institution of Navigation
- Royal Institution of Naval Architects
- Royal National Lifeboat Institution
- Royal Yachting Association
- Seafarers International Research Centre
- Society of Consulting Marine Engineers and Ship Surveyors (SCMS)
- Trinity House
- The Mission to Seafarers
- UK Chamber of Shipping
- UK Dredging
- UK Harbour Masters' Association
- UK Marine Pilots Association
- UK Major Ports Group
- UK Marine Pilots Association (UKMPA)
- Insurance Companies/P&I

Government organisations:

- Department for Transport
- Department for Environment, Food and Rural Affairs
- Department for Work and Pensions
- Environment Agency
- Falkland Islands Government
- Foreign and Commonwealth Office

- Gibraltar Maritime Administration
- Gangmasters Licencing Authority
- Health and Safety Executive
- Home Office
- Lords Library
- Isle of Man
- Marine Accident Investigation Branch (MAIB)
- Marine Management Organisation
- Ministry of Defence – Ship Safety and Management Office
- Northern Ireland Department of Infrastructure
- Northern Ireland Assembly – Air and Seaports Division
- Northern Ireland Assembly
- OFCOM
- Royal Air Force Association
- Royal Navy
- Scottish Transport Strategy Unit
- Marine Scotland
- Scottish Government
- Scottish Environment Protection Agency
- South Georgia Administration
- Transport Policy, Strategy and Legislation Division (Northern Ireland)
- Transport Select Committee
- Welsh Assembly Government

The MCA received responses from a number of Fishermen's Associations who were not contacted and three individual fishers. Those with an interest in commercial fishing have a responsibility to engage with the regulator and to monitor (or sign up to regular alerts from) GOV.UK for updates to the industry they represent.

In addition to the written consultation, the MCA attended a number of industry meetings and the Skippers Expo in Aberdeen and Bristol and responded to many email enquiries from individuals.

The tripartite working group continues to meet and have had 27 formal meetings since 2014, guidance and M Notices on the medical certification have been written and amended with working group agreement. Medical certification was raised as a concern in November 2022 and more frequent informal meetings of the tripartite working group have been set up to discuss the issues arising.

Summary of public consultation responses related to medical certification (2017)

There were concerns raised about the demand on approved doctors and the lack of doctors or travel requirements in remote areas, therefore progressive implementation should be utilised. There were responses requesting that vessels operating less than 60 miles from shore to be exempt from the requirements and requests for different medical standards for fishers, especially inshore fishers. One noted concerns that small vessels (under 8m) are not that different to the leisure sector which is unregulated.

There were also concerns that ENG1 and ML5 standards are slightly different and that the work on board fishing vessels is more dangerous and availability of help is less and that ENG1 should be adopted for all new entrants into fishing.

The MCA responded to this feedback and discussed with the tripartite working group. The UK utilised progressive implementation for the medical certification as a result of this. The tripartite working group agreed that the ENG1 and ML5 were suitable and that the medical standards could be applied flexibly through the use of restrictions, i.e. a fisher on a small inshore vessel is not required to meet the same standards as a fisher on a large vessel operating internationally.