
 STATUTORY INSTRUMENTS

1979 No. 564

CUSTOMS AND EXCISE

The Pleasure Craft (Arrival and Report) Regulations 1979

<i>Made - - - -</i>	<i>23rd May 1979</i>
<i>Laid before Parliament</i>	<i>31st May 1979</i>
<i>Coming into Operation</i>	<i>1st July 1979</i>

The Commissioners of Customs and Excise, in pursuance of the powers conferred on them by sections 35(4), 42(1) and 81(2) of the Customs and Excise Management Act 1979(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Pleasure Craft (Arrival and Report) Regulations 1979 and shall come into operation on 1st July 1979.

Interpretation

2. In these Regulations:—

“the Act of 1979” means the Customs and Excise Management Act 1979;

“arrival” means the anchoring, berthing or mooring of a pleasure craft within the limits of a port and “arrive” and cognate expressions shall be construed accordingly;

“duty” means any duty, tax or levy charged on goods imported into the United Kingdom;

“patrial” has the same meaning as in section 2(6) of the Immigration Act 1971(b);

“the person responsible” means the person on board a vessel under whose command or subject to whose personal direction it has arrived or is intended to arrive as a pleasure craft;

“pleasure craft” means—

(a) a vessel which, at the time of its arrival from abroad at a port in the United Kingdom, is being used for private recreational purposes, and of which the total complement, including passengers and crew, does not exceed 12 persons; or

(b) any vessel which an officer allows, after application is made to him in person or in writing, to be treated as a pleasure craft for the purposes of these Regulations.

 (a) 1979 c. 2.

(b) 1971 c. 77.

PART II

GENERAL

The flying of the signal flag "Q"

3. The person responsible shall cause a yellow flag (the signal flag for "Q" in the International Code of Signals) to be flown on a vessel which it is intended shall arrive as a pleasure craft at all times between the crossing of the limits of any port in the United Kingdom and

- (a) the making of report of that vessel in accordance with these Regulations, or
- (b) in the case of a vessel in respect of which report is not required, its departure.

Exemption from making report

4. Where a pleasure craft anchors in a port for the sole purpose of sheltering, waiting for a favourable tide or wind or other similar purpose, the person responsible shall not be required to make report in accordance with these Regulations.

Movement of vessel and removal etc. of goods

5. Save as an officer may otherwise allow or direct, no person after the arrival of a pleasure craft shall move the vessel or unload or remove any goods therefrom until report of that vessel has been made:

Provided always that nothing in this Regulation shall affect the provisions of any Regulations made under the powers conferred by the enactments relating to public health in the United Kingdom or any part thereof with respect to a pleasure craft being a ship within the meaning of those Regulations.

PART III

PROCEDURE FOR FULL REPORT ON ARRIVAL

Report of any pleasure craft not based in the United Kingdom

6. The procedure for making report of a pleasure craft not based in the United Kingdom shall be that the person responsible shall deliver to the officer boarding the vessel such form, duly completed, as the Commissioners may direct for that purpose under section 35(1) of the Act of 1979.

Full report of certain pleasure craft

7.—(1) This Regulation applies to a pleasure craft based in the United Kingdom on the importation of which duty is payable or which—

- (a) is required to be entered under section 37 of the Act of 1979 or has on board any goods required to be so entered or in respect of which there is no entitlement to relief from duty; or
- (b) has on board any animal or bird; or
- (c) has on board any goods the importation of which is subject to any prohibition or restriction for the time being in force; or
- (d) has on board any person who is not patrial other than such a person who has come directly from the Channel Islands or the Republic of Ireland; or

- (e) departed on its last voyage from the United Kingdom more than a year before its arrival; or
 - (f) did not on its outward voyage from the United Kingdom obtain clearance outwards in accordance with any directions made by the Commissioners for that purpose under section 64(2) of the Act of 1979.
- (2) The procedure for making report of a pleasure craft to which this Regulation applies shall be that—
- (a) the person responsible, or a person acting on his behalf, shall notify the arrival of that vessel to an officer, either in person or by telephone; and
 - (b) the person responsible shall deliver to the officer boarding that vessel such form, duly completed, as the Commissioners may direct for that purpose under section 35(1) of the Act of 1979.
- (3) The person responsible, or the person acting on his behalf, shall notify the arrival of a pleasure craft within 2 hours of its arrival, except that if the vessel arrives between 2300 hours and 0600 hours, its arrival need not be notified until 0800 hours:
- Provided that the person responsible for any vessel which has an animal or bird on board shall in every case notify its arrival within 2 hours.
- (4) The procedure for making report in cases where an officer boards the pleasure craft before notification of its arrival shall be limited to that prescribed in paragraph (2)(b) above.

PART IV

PROCEDURE FOR QUICK REPORT ON ARRIVAL

Quick report of certain pleasure craft

8. The procedure for making report of a pleasure craft based in the United Kingdom to which Regulation 7(1) does not apply shall nevertheless be that prescribed in Regulation 7(2), except that if, within 2 hours of notification of its arrival no officer has boarded the vessel Regulation 7(2)(b) shall be deemed to have been complied with by putting the form, duly completed, in a Customs and Excise post box where one is provided for that purpose, or by posting or delivering it to an officer, or the Customs and Excise office, for the port of arrival.

PART V

REVOCATION

Revocation of the Small Craft Regulations 1953

9. The Small Craft Regulations 1953(a) are hereby revoked.

D. L. Bryars,

Commissioner of Customs and Excise.

23rd May 1979.
King's Beam House,
Mark Lane,
London EC3R 7HE.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made under sections 35(4), 42(1) and 81(2) of the Customs and Excise Management Act 1979 and apply to pleasure craft (which are defined in Regulation 2 and include yachts, motor cruisers and similar vessels used for recreational purposes) arriving in the United Kingdom from abroad. They require :

- (1) the person responsible (defined in Regulation 2) to cause a yellow flag to be flown on a pleasure craft arriving from abroad;
- (2) the notification to the Customs of the arrival (defined in Regulation 2) of a pleasure craft based in the United Kingdom;
- (3) the person responsible for a pleasure craft to make written report of the vessel on a form directed by the Commissioners;
- (4) the person responsible for foreign or certain pleasure craft based in the United Kingdom to make report by handing the appropriate form to a Customs officer;
- (5) that, in certain cases, report may be made 2 hours after notifying arrival by lodging the completed form in a Customs or Post Office post box; and
- (6) that, except for reasons concerned with health regulations, no pleasure craft shall be moved after arrival, nor goods unloaded from it, until report has been made, without permission.

Pleasure craft which are anchored solely for the purpose of sheltering, or waiting for favourable winds or tides, are not required to make report.

Additionally, Regulation 7(3) allows the person responsible to delay notifying arrival and making report of a vessel which arrives between 2300 hours and 0600 hours, provided that no animals or birds are carried.

The Small Craft Regulations 1953 are revoked thereby discontinuing a previous requirement for persons responsible for pleasure craft to obtain a Small Craft Licence under certain circumstances.

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