
STATUTORY INSTRUMENTS

1996 No. 1406

CUSTOMS AND EXCISE

The Pleasure Craft (Arrival and Report) Regulations 1996

<i>Made</i>	- - - -	<i>29th May 1996</i>
<i>Laid before Parliament</i>		<i>7th June 1996</i>
<i>Coming into force</i>	- -	<i>28th June 1996</i>

The Commissioners of Customs and Excise in exercise of the powers conferred on them by sections 35(4) and 42(1)(a) of the Customs and Excise Management Act 1979(1) 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 1996 and shall come into force on 28th June 1996.

Interpretation

2. In these Regulations—

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

“notification of arrival” means notification of arrival as referred to in regulation 6(2);

“pleasure craft” means a vessel which, at the time of its arrival in the United Kingdom, is being used for private recreational purposes;

“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;

“the prescribed form” means the form prescribed by the Commissioners for the purposes of these Regulations in directions made under section 35(1) of the Customs and Excise Management Act 1979.

(1) 1979 c. 2; section 1(1) defines “the Commissioners” as meaning the Commissioners of Customs and Excise.

Application

3. These Regulations shall apply to a pleasure craft which arrives in the United Kingdom from a place outside the customs territory of the European Community or from a territory listed in the Schedule.

PART II GENERAL

The flying of the signal flag ‘Q’

4. 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 a port in the United Kingdom and the making of report of that vessel in accordance with regulation 6.

Movement of vessels and persons

5.—(1) Subject to paragraph (3) below, no person, after the arrival of a pleasure craft in the United Kingdom, shall move the vessel until report of the vessel has been made in accordance with regulation 6.

(2) Subject to paragraph (4) below, no person who is on board a pleasure craft at the time of its arrival in the United Kingdom shall disembark from the vessel until report of the vessel has been made in accordance with regulation 6, save that such a person may disembark for the purpose of giving notification of arrival and may remain away from the vessel for as long as is reasonable in connection with that purpose.

(3) By way of exception to paragraph (1) above, where a person giving notification of arrival is told that an officer is not to board the vessel, the vessel may be moved as soon as the person giving such notification has been so told.

(4) By way of exception to paragraph (2) above, where a person giving notification of arrival is told that an officer is not to board the vessel, persons may disembark as soon as the person giving such notification has been so told.

(5) Nothing in this regulation shall affect any Act or subordinate legislation relating to public health, having effect in the United Kingdom or any part thereof. In this paragraph, “Act” and “subordinate legislation” have the same respective meanings as in the Interpretation Act 1978(2).

PART III PROCEDURE FOR REPORT ON ARRIVAL

6.—(1) The procedure for making report of a pleasure craft which has arrived in the United Kingdom shall be as set out in paragraphs (2) to (7) below.

(2) Subject to paragraph (3) below, the person responsible, or a person acting on his behalf, shall notify arrival of the vessel to an officer, either in person or by telephone.

(3) Where an officer boards the vessel after its arrival and before notification of arrival has been given, such notification shall not be required with effect from the moment of such boarding.

(2) 1978 c. 30.

(4) Notification of arrival, where it is required, shall be given as soon as practicable after the arrival of the vessel.

(5) Where a person giving notification of arrival is told that an officer is to board the vessel, the person responsible shall, when the officer boards, deliver to the officer the prescribed form, duly completed.

(6) Where a person giving notification of arrival is told that an officer is not to board the vessel, the person responsible shall put the prescribed form, duly completed, in a Customs and Excise post box where one is provided for that purpose or deliver it to an officer, or to the Customs and Excise office for the port of arrival.

(7) Where an officer boards the vessel after its arrival but before notification of arrival has been given, the person responsible shall deliver the prescribed form, duly completed, to the officer who has boarded.

PART IV

REVOCATION

7. The Pleasure Craft (Arrival and Report) Regulations 1990(3) are hereby revoked.

New King's Beam House, 22 Upper
Ground, London, SE1 9PJ
29th May 1996

M J Eland
Commissioner of Customs and Excise

SCHEDULE

Regulation 3

THE TERRITORIES REFERRED TO

Mount Athos (Hellenic Republic).

The Aland Islands.

The Canary Islands (Kingdom of Spain).

The Channel Islands.

The overseas departments of the French Republic (Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon and French Guiana).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with changes the Pleasure Craft (Arrival and Report) Regulations 1990 as amended by the Customs and Excise (Single Market etc.) Regulations 1992. Under the 1990 Regulations, the requirement to notify arrival was confined to certain vessels based in the United Kingdom which arrived from a place outside the European Community. Also, the person responsible for a pleasure craft not based in the United Kingdom which arrived from a place outside the European Community was obliged in all cases to remain on board the vessel until an officer had boarded. These Regulations remove the distinction between United Kingdom and non-United Kingdom based vessels, require notification of arrival of all vessels and permit anyone on board to disembark if and when the person giving notification is told that an officer is not to board.