
STATUTORY INSTRUMENTS

2006 No. 3223

The Merchant Shipping (Inland Waterway and
Limited Coastal Operations) (Boatmasters'
Qualifications and Hours of Work) Regulations 2006

PART 3

SELF-EMPLOYED MASTERS' HOURS OF WORK

Interpretation of Part 3

27.—(1) In this Part—

“hovercraft” has the meaning given in section 4(1) of the Hovercraft Act 1968⁽¹⁾;

“rest period” means any time when a master is not on duty;

“working day”, in relation to a master, means either—

- (a) where a period of duty is not followed by a rest period of at least 8 hours, the aggregate of—
 - (i) that and each successive period of duty, and
 - (ii) any intervals between those periods of duty, until there is a rest period of at least 8 hours; or
- (b) a period of duty which is followed by a rest period of at least 8 hours.

(2) For the purposes of this Part, a master is on duty—

- (a) where he has nautical responsibility for any craft in circumstances where this Part applies, and
- (b) where he is otherwise engaged in work for the purposes of a trade or business carried on by him, being work in connection with any craft to which this Part applies or with any passenger carried by that vessel.

Application of Part 3

28. This Part applies to a person who—

- (a) is serving as master of a craft which is either—
 - (i) a United Kingdom ship which is a passenger ship of Class IV, V, VI or VI(A), or
 - (ii) a hovercraft carrying more than 12 passengers, and
- (b) is not a person to whom—
 - (i) the Working Time Regulations 1998⁽²⁾,

(1) 1968 c.59.

(2) S.I. 1998/1833; the relevant amending instruments are S.I. 2002/3128, 2003/1684, 2003/3049 and 2004/1713.

- (ii) Merchant Shipping (Hours of Work) Regulations 2002⁽³⁾, or
- (iii) the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003⁽⁴⁾,
apply.

The self-employed masters' working hours code

29.—(1) A master must, so far as is reasonably practicable, ensure that he is properly rested when first going on duty on any working day.

(2) Subject to paragraphs (5) to (7), a master's working day must not exceed 16 hours.

(3) Subject to paragraphs (5) to (7), a master must not on any working day have command or charge of a vessel for periods amounting in aggregate to more than 10 hours.

(4) Subject to paragraphs (5) to (7), if on any working day a master has been on duty—

- (a) for a period of 6 hours, the end of which does not correspond to the end of the working day, or
- (b) for periods amounting in aggregate to 6 hours without having enjoyed a rest period of at least 30 minutes and the end of the last of those periods does not correspond to the end of the working day,

he must take a rest period of not less than 30 minutes at the end of that 6-hour period or (as the case may be) at the end of the last of those periods.

(5) If the Secretary of State considers that it would be appropriate to do so, he may grant an exemption from all or any of the foregoing provisions of this regulation, on such terms (if any) as he may specify.

(6) An exemption—

- (a) may be granted in respect of one or more craft or a class of craft, and
- (b) may be restricted to specified voyages or operations.

(7) Subject to giving reasonable notice to the person affected thereby, the Secretary of State may alter or cancel an exemption.

Contravention of Part 3

30.—(1) If a person contravenes a requirement of this Part he is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It is a defence for a person charged with an offence under paragraph (1) to prove that there was an unavoidable delay in the completion of a voyage arising out of circumstances which he could not reasonably have foreseen.

(3) [S.I. 2002/2125](#); the relevant amending instruments are [S.I. 2003/3049](#), [2004/1469](#), [2004/1713](#) and [2005/2114](#).

(4) [S.I. 2003/3049](#).