
STATUTORY INSTRUMENTS

2015 No. 410

**The Merchant Shipping (Boatmasters' Qualifications,
Crew and Hours of Work) Regulations 2015**

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 and come into force on 4th April 2015.

Revocations

2. The following Regulations are revoked—
- (a) the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006(1); and
 - (b) the Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006(2).

Amendments to the Merchant Shipping (Fees) Regulations 2006

- 3.—(1) The Merchant Shipping (Fees) Regulations 2006(3) are amended as follows.
- (2) In Part 5 of Schedule 1 (Boatmasters' Licences and Certificates)—
- (a) omit paragraph (a);
 - (b) in paragraph (b) substitute “the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015” for “the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006”; and
 - (c) in the Table of Fees omit item 5(c) (a boatmaster's licence issued under the 1993 Regulations).

Interpretation: general

- 4.—(1) In these Regulations—
- “the Act” means the Merchant Shipping Act 1995;
- “the 2006 Regulations” means the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006;

(1) [S.I. 2006/ 3223](#), as amended by [S.I. 2012/1659](#).

(2) [S.I. 2006/3224](#).

(3) [S.I. 2006/2055](#), as amended by [S.I. 2006/3225](#); there is another amending instrument, which is not relevant.

“the Crew Regulations” means the Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006;

“bareboat charter terms” has the meaning given in section 17(11) of the Act;

“boatmaster” has the meaning given in regulation 7;

“boatmaster’s certificate” means a certificate issued—

- (a) in the United Kingdom, by the Secretary of State under Part 2, or
- (b) in an EEA State other than the United Kingdom, by a competent authority of that state, in accordance with [Directive 96/50/EC](#);

“boatmaster’s licence” means a licence issued by the Secretary of State under Part 2;

“crew” includes every person, other than a master or a pilot, employed or engaged in any capacity on board a vessel;

“[Directive 96/50/EC](#)” means Council [Directive 96/50/EC](#) of 23rd July 1996 on the harmonisation of the conditions for obtaining national boatmasters’ certificates for the carriage of goods and passengers by inland waterway in the Community⁽⁴⁾;

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“master” includes every person (except a pilot) having command or charge of a vessel;

“Merchant Shipping Notice” means a notice described as such and issued by the MCA, and a reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is stated to be considered by the Secretary of State to be relevant from time to time;

“mile” means a nautical mile of 1852 metres;

“passenger” means any person carried in a vessel other than—

- (a) the master, a member of the crew or other person employed or engaged in any capacity on board the vessel on the business of the vessel,
- (b) a person on board the vessel in pursuance of an obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner could have prevented or forestalled, and
- (c) a child under one year old;

“passenger ship” means a vessel carrying more than 12 passengers;

“pilot” means a person not belonging to a vessel who has the conduct of the vessel;

“pleasure vessel” means—

- (a) a vessel which at the time it is being used—
 - (i) is—
 - (aa) in the case of a vessel wholly owned, or operated on bareboat charter terms, by an individual or individuals, used only for the sport or pleasure of the owner or charterer or the immediate family or friends of the owner or charterer; or
 - (bb) in the case of a vessel owned, or operated on bareboat charter terms, by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(4) OJ L235, 17.9.96, p.31. The directive was applied to the European Economic Area by a Decision of the EEA Joint Committee of 1st May 1997 (OJ No. L424, 4.9.97, p.70) and amended by Regulation (EC) 1882/2003 of the EU Parliament and Council of 29th September 2003 (OJ No. L284, 31.10.03, p.1) and Regulation (EC) 1137/2008 of the European Parliament and Council of 22 October 2008 (OJ No. L311, 21.11.08, p.1).

- (ii) is on a voyage which is one for which the owner or charterer does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or, in the case of a vessel operated on bareboat charter terms, the charter fee payable; or
- (b) a vessel which is wholly owned or operated on bareboat charter terms by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied (other than, in the case of a vessel operated on bareboat charter terms, the charter fee payable) are paid into club funds and applied for the general use of the club;

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of the users of the vessel, other than by the owner or charterer; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"sea" does not include waters of category A, B, C or D (and "seagoing" is to be construed accordingly);

"specified by the Secretary of State" means specified by the Secretary of State in Merchant Shipping Notice MSN 1853;

"non-United Kingdom ship" has the meaning given in section 307 of the Act;

"United Kingdom ship" has the same meaning as "United Kingdom ship" in section 85(2) of the Act;

"voyage" includes an excursion.

- (2) In these Regulations, a reference to waters of a specified category is a reference to—
- (a) waters of that category as specified under or by virtue of the Merchant Shipping (Categorisation of Waters) Regulations 1992(5), and
- (b) waters in the United Kingdom having the characteristics of waters of that category but not specified as such under or by virtue of those Regulations.
- (a) (3) (a) In these Regulations, vessels are classified in accordance with Table 1—

Table 1

Classification of vessels

<i>(1) Class of vessels</i>	<i>(2) Description of operations and waters</i>
Class IV	Vessels engaged only on voyages in waters of category A, B, C or D.
Class V	Vessels engaged only on voyages in waters of category A, B or C.
Class VI	Vessels carrying not more than 250 passengers engaged in voyages to sea or in waters of category A, B, C or D, in favourable weather and during restricted periods, in the course of which the vessels are at no time more than 15

(5) *S.I. 1992/2356*, in which category A, B, C and D waters are defined by reference to MSN 1827(M) (which superseded MSN M1504).

<i>(1) Class of vessels</i>	<i>(2) Description of operations and waters</i>
Class VI(A)	miles (exclusive of waters of category A, B, C or D) from their point of departure or more than 3 miles from land. Vessels carrying not more than 50 passengers engaged on voyages over a distance of not more than 6 miles to or from isolated communities on the islands or coasts of the United Kingdom and in the course of which they are never more than 3 miles from land.
Class IX(A)	Vessels other than passenger ships and tankers which do not proceed to sea.
Class IX(A)(T)	Tankers which do not proceed to sea.

(b) In Table 1—

“favourable weather” means fine, clear, settled weather with a sea state such as to cause only moderate rolling or pitching;

“restricted period” means a time during the period commencing on 1st April and ending on 31st October which—

- (i) in the case of a vessel fitted with navigation lights conforming to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996⁽⁶⁾, is between one hour before sunrise and one hour after sunset, and
- (ii) in the case of any other vessel, is between sunrise and sunset.

(4) A reference to—

- (a) a boatmaster’s licence of any class (with or without a reference to an endorsement), or
- (b) an endorsement of any class,

is a reference to a licence or endorsement of that class as specified in Table 2 in regulation 14.

(5) A reference to a boatmaster’s certificate of any group is a reference to a certificate of that group as specified in Table 3 in regulation 28.

Extension of provisions to non-United Kingdom ships

5.—(1) The following provisions extend to the vessels and persons specified in paragraph (2) while they are engaged on voyages of a kind mentioned in regulation 7(3)—

- (a) sections 47 to 50 and 52 of the Act (manning of vessels, production of certificates of qualification, etc), in so far as they have not already been so extended, and
- (b) Parts 2, 5 and 6 of these Regulations.

(2) The vessels and persons are—

- (a) non-United Kingdom ships of Classes IV, V, VI, VI(A), IX(A) and IX(A)(T), other than pleasure vessels, and
- (b) the masters employed in those vessels.

⁽⁶⁾ S.I. 1996/75, amended by S.I. 2004/302.