
STATUTORY INSTRUMENTS

2017 No. 737

The Recreational Craft Regulations 2017

PART 1

GENERAL

Interpretation

2.—(1) In these Regulations—

“the 1987 Act” means the Consumer Protection Act 1987⁽¹⁾;

“accreditation” has the meaning set out in point 10 of Article 2 of RAMS (as amended from time to time);

“accreditation certificate” means a certificate, issued by the United Kingdom Accreditation Service (a company limited by guarantee incorporated in England and Wales under number 03076190) or a national accreditation body of another Member State, attesting that a conformity assessment body meets the notified body requirements;

“adaptor” means a person who adapts an engine for use in watercraft;

“authorised representative” means a person appointed in accordance with regulation 39;

“CE marking” means a marking which takes the form set out in Annex II of RAMS (as amended from time to time);

“Commission” means the Commission of the European Union;

“competent national authority” means an authority having responsibility for enforcing the law of a Member State which implements the Directive;

“components” means the components of watercraft listed in Schedule 2 when placed on the EU market separately and when intended for installation in watercraft;

“conformity assessment” means the process demonstrating whether the essential requirements relating to a product have been fulfilled;

“conformity assessment body” means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

“Decision 768/2008” means Decision No. [768/2008/EC](#) of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products⁽²⁾;

the “Directive” means [Directive 2013/53/EU](#) of the European Parliament and of the Council on recreational craft and personal watercraft repealing [Directive 94/25/EC](#)⁽³⁾;

“distributor” means a person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

⁽¹⁾ 1987 c.43.

⁽²⁾ OJ L 218, 13, 8, 2008, p.82.

⁽³⁾ OJ No L 354, 28.12.2013, p.90.

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972⁽⁴⁾;

“economic operator” means a manufacturer, an authorised representative, an importer or a distributor;

“enforcing authority” means any person enforcing these Regulations under regulation 66;

“engine family” means the manufacturer’s grouping of engines which, through their design, have similar exhaust or noise emission characteristics;

“essential requirements” means the requirements set out in regulation 6;

“EU declaration of conformity” means the declaration required to be drawn up in accordance with regulation 10(1)(a) (EU declaration of conformity and CE marking);

“harmonised standard” has the meaning set out in paragraph (c) of Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council, and repealing Council Decision 87/95/EEC and Decision 1673/2006/EC of the European Parliament and of the Council⁽⁵⁾ (as amended from time to time);

“hull length” means the length of the hull measured in accordance with the harmonised standard;

“importer” means a person who—

- (a) is established within the EU, and
- (b) places a product from a third country on the EU market;

“major craft conversion” means a conversion of a watercraft which—

- (a) changes the means of propulsion of the watercraft;
- (b) involves a major engine modification; or
- (c) alters the watercraft to such an extent that it may not meet the applicable essential requirements;

“major engine modification” means the modification of a propulsion engine which—

- (a) could potentially cause the engine to exceed the emissions limits set out in Part B of Schedule 1; or
- (b) increases the rated power of the engine by more than 15%;

“making available on the market” means any supply for distribution, consumption or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge and related expressions must be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a product or has such a product designed or manufactured; and
- (b) markets that product under that person’s name or trademark;

“market surveillance authority” has the meaning set out in regulation 65 (designation of market surveillance authorities);

“means of propulsion” means the method by which the watercraft is propelled;

“national accreditation body” means national accreditation body as defined in point 11 of Article 2 of RAMS) (as amended from time to time);

(4) 1972 c.9.

(5) OJ No L 316, 14.11.2012, p.12.

“notified body requirements” means the requirements set out in Schedule 11;

“personal watercraft” means a watercraft intended for sports and leisure purposes of less than 4 metres in hull length which uses a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;

“placing on the market” means the first making available of a product on the EU market, and related expressions are to be construed accordingly;

“private importer” means a person established within the EU who imports in the course of a non-commercial activity a watercraft from a third country into the EU with the intention of putting it into service for that person’s own use;

“product” means a product to which these Regulations apply, in accordance with regulation 3;

“propulsion engine” means any spark or compression ignition internal combustion engine used directly or indirectly for propulsion purposes;

“putting into service” means the first use of a product in the EU market by its end-user and related expressions are to be construed accordingly;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93(6);

“recall” means any measure aimed at achieving the return of a watercraft that has already been made available to the end-user and related expressions must be construed accordingly;

“recreational craft” means any watercraft of any type, excluding personal watercraft, intended for sports and leisure purposes of hull length from 2.5 metres to 24 metres, regardless of the means of propulsion;

“relevant conformity assessment procedure” means a conformity assessment procedure referred to in regulation 42 (applicable conformity assessment procedures);

“small or medium-sized enterprise” has the same meaning as in Commission Recommendation 2003/361/EC(7);

“technical documentation” has the meaning given in regulation 9 (technical documentation and conformity assessment);

“watercraft” means any recreational craft or personal watercraft;

“watercraft built for own use” means any watercraft predominantly built by its future user for that user’s own use; and

“withdrawal” means any measure aimed at preventing a watercraft in the supply chain from being made available on the market and related expressions must be construed accordingly.

(2) In these Regulations, a reference to a product being “in conformity with Part 2” means that—

- (a) the product is in conformity with the essential requirements;
- (b) each economic operator has complied with the obligations imposed on them by Part 2 of these Regulations which must be satisfied at or before the time at which the product is made available on the market.

(3) In these Regulations, except regulation 34 (monitoring) and Schedule 1, “risk” means a risk to—

- (a) human health;
- (b) the safety of consumers; or

(6) OJ No L 218, 13.8.2008, p.30.

(7) OJ No L 124, 20.5.2003, p.36.

(c) the environment.

(4) In these Regulations, a reference to a Member State is to be read as a reference to an EEA State and references to the EU are to be read as references to the European Economic Area.

(5) In these Regulations (except in Part 4 (notification of conformity assessment bodies) and Schedule 11 (notified body requirements) and 12 (obligations of notified bodies)), “notified body” means—

- (a) a notified body within the meaning set out in regulation 55 (notified body); or
- (b) a notified body under the laws of any other member State which implement the Directive.