
STATUTORY INSTRUMENTS

1993 No. 1072

**The Merchant Shipping (Vessels in Commercial
Use for Sport or Pleasure) Regulations 1993**

PART III

REQUIREMENTS FOR COMMERCIALY OPERATED VESSELS

- 4.** Subject to regulation 16(2) below, regulations 5 to 19 apply:
- (a) to any sea going United Kingdom vessel used for sport or pleasure which is not a pleasure vessel (as defined in regulation 3 above); and
 - (b) except in the case of regulation 16, to any other seagoing vessel which:
 - (i) is not a small vessel; and
 - (ii) is used for sport or pleasure; and
 - (iii) is not a pleasure vessel as defined in regulation 3 above;whilst in United Kingdom ports.
- 5.** The statutory instruments made under the Merchant Shipping (Load Lines) Act 1967 listed in Schedule 3 shall apply to vessels (whether or not registered) to which this regulation applies as they apply to other vessels and references in these Regulations to the “Load Lines Rules” means the Merchant Shipping (Load Line) Rules 1968(1) as so applied.
- 6.** Subject to regulation 16(2) below, in addition to the requirements of regulation 5, and subject to regulation 10 and to any exemption conferred by regulation 14, no vessel to which this regulation applies shall proceed or attempt to proceed to sea unless:
- (a) the vessel has been surveyed in accordance with the Load Lines Rules;
 - (b) the vessel is marked with a deck-line and with load lines in accordance with those Rules;
 - (c) the vessel complies with the conditions of assignment in accordance with those Rules; and
 - (d) the stability information required by those Rules is provided for the guidance of the master of the vessel in the manner determined in accordance with the Rules.
- 7.—(1)** Where a vessel to which this regulation applies is marked with load lines, the vessel shall be so loaded that:
- (a) if the vessel is in salt water and has no list, the appropriate load line on each side of the vessel is not submerged; or
 - (b) in any other case, the appropriate load line on each side of the vessel would not be submerged if the vessel was in salt water and had no list.
- (2) For the purposes of the application of this regulation to a vessel in any circumstances prescribed by the Load Line Rules “the appropriate load line” means the load line which, in

accordance with those Rules, indicates the maximum depth to which the vessel may be loaded in salt water in those circumstances.

8. Except where duly authorised by the Secretary of State no person shall conceal, remove, alter, deface or obliterate, or cause or permit any other person under his control to conceal, remove, alter, deface or obliterate, any mark with which the vessel is marked in accordance with the Load Lines Rules.

9.—(1) Where a vessel to which this regulation applies has been surveyed and marked in accordance with the Load Line Rules, a certificate, complying with the provisions of this regulation or regulation 15 shall, on application, be issued to the owner of the vessel.

(2) For the purposes of this regulation the certificate referred to in subparagraph (1) shall be:

- (a) in the case of a United Kingdom vessel which is not a small vessel an “International Load Line Certificate (1966)”; or
- (b) in the case of a small United Kingdom vessel, a “United Kingdom Load Line Certificate”; or
- (c) in the case of any non-United Kingdom vessel, a “United Kingdom Load Line Certificate”.

(3) Subject to the following paragraph, any certificate required by paragraph (1) of this regulation to be issued shall:

- (a) be in such form, and shall be issued in such manner, as is prescribed by the Load Line Rules; and
- (b) be issued by the Department of Transport or by an organisation or a person authorised in that behalf by the Department.

(4) Any certificate referred to in paragraph (2)(c) above shall be valid only so long as the vessel is not plying on international voyages, and shall be cancelled by the Secretary of State if he has reason to believe that the vessel is plying on international voyages; and in this paragraph “international voyage” has the same meaning as in the Merchant Shipping (Load Lines) Act 1967.

10. Regulations 6 and 9(1) above do not apply to a non-United Kingdom vessel in respect of which a valid International Load Line Certificate (1966) has been issued.

11. Where an appropriate certificate, which is in force, is produced in respect of the vessel to which the certificate relates:

- (a) the vessel shall be deemed to have been surveyed in accordance with the Load Line Rules; and
- (b) if lines are marked on the vessel corresponding in number and description to the deck-line and load lines as required by the Load Line Rules, and the positions of those lines so marked correspond to the positions of the deck-line and load lines as specified in the certificate, the vessel shall be deemed to be marked as required by those Rules.

12.—(1) Subject to regulation 16 below, no vessel to which this regulation applies shall proceed or attempt to proceed to sea unless the appropriate certificate is in force in respect of the vessel.

(2) Before any such vessel proceeds to sea, the master of the vessel shall produce the appropriate certificate to the officer of Customs from whom a clearance for the vessel is demanded; and a clearance shall not be granted, and the vessel may be detained until the appropriate certificate is so produced.

13.—(1) When a certificate is issued in respect of a vessel under regulation 9 or 15 of these Regulations the owner of the vessel shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the vessel, and shall cause it to be kept so framed and posted up and legible so long as the certificate remains in force and the vessel is in use.

(2) A surveyor duly authorised by the Secretary of State may inspect any vessel to which this Part of these Regulations apply, for the purpose of seeing that the provisions of this Part of these Regulations have been complied with in respect of the vessel.

14. The Secretary of State may exempt any vessel or description of vessel (other than a non-United Kingdom vessel which has an International Load Line Certificate (1966)) from all or any of the provisions of this Part of these Regulations on such terms, if any, as he may specify.

15.—(1) Where the Secretary of State exempts an individual vessel in accordance with regulation 14 from any of the provisions of regulations 5 to 13 above he shall issue a certificate in accordance with paragraph (2) of this regulation.

(2) In the case of a United Kingdom vessel which is a small vessel and in the case of a non-United Kingdom vessel, the certificate shall be a United Kingdom Load Line Exemption Certificate and in any other case, the certificate shall be an International Load Line Exemption Certificate.

(3) Any certificate issued under this regulation shall be in such form, and shall be issued in such manner, as prescribed by the Load Line Rules.

Commercially operated small vessels complying with a Code of Practice

16.—(1) In this regulation:

- (a) “Code of Practice” means “The Safety of Small Commercial Sailing Vessels-A Code of Practice” or “The Safety of Small Commercial Motor Vessels-A Code of Practice”, as appropriate, published by the Marine Directorate of the Department of Transport, and includes any document amending the same which is considered to be relevant from time to time and specified by the Secretary of State in a Merchant Shipping Notice;
- (b) “the phase-in arrangements of the Code of Practice” mean the arrangements set out in the relevant paragraph of the Code of Practice.

(2) Regulations 5, 6 and 12 above and the statutory instruments listed in Schedule 4 to these Regulations do not apply to a vessel which has been examined, and in respect of which a certificate has been issued, in accordance with the Code of Practice, or to a vessel which is operating under the phase-in arrangements of the Code of Practice.

(3) Where a vessel has been so examined and a certificate issued, the vessel shall not proceed or attempt to proceed to sea unless:

- (a) the certificate is currently in force;
- (b) the vessel complies with the requirements of the relevant Code of Practice (including any requirements as to operation, manning and maintenance); and for this purpose any provision of the Code expressed in the conditional (i.e. “should”) shall be a requirement; and
- (c) the certificate is displayed in some conspicuous place on board.

(4) Where a vessel is operating under the phase-in arrangements of the Code of Practice it shall not proceed or attempt to proceed to sea unless:

- (a) it has been registered with one of the certifying authorities appointed to examine vessels and issue certificates; and
- (b) the particulars of the vessel have been entered on the register by the certifying authority and a notification to this effect has been issued to the owner; and
- (c) the notification is displayed in some conspicuous place on board; and
- (d) the vessel complies with the declaration made by the owner to the certifying authority, as required by the Code of Practice

(5) This regulation applies only to small vessels.

Equivalent Provisions

17.—(1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made, the Secretary of State shall permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried or any other provision to be made in that vessel if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by these Regulations.

(2) For the purpose of these Regulations, the results of verifications and tests carried out by the bodies and laboratories of other European Member States offering suitable and satisfactory guarantees of technical and professional competence and independence shall be accepted.

Penalties

18.—(1) Contravention of any of these Regulations shall be an offence by the owner and the master of the vessel which shall render both of them liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to imprisonment for a term not exceeding two years and a fine.

(2) Contravention of regulation 8 above by any person shall be an offence rendering him liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) It shall be a good defence to a charge under this regulation to prove that the person charged took all reasonable steps to avoid commission of the offence.

Power to Detain

19. In any case where a vessel does not comply with the requirements of these Regulations, the vessel shall be liable to be detained and subsections (1) to (3) of section 692 of the Merchant Shipping Act 1894⁽²⁾ (which relate to the detention of a ship) shall have effect in relation to the vessel, subject to the modification that for the words “this Act” wherever they appear, there are substituted “the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993”.

(2) 1894 c. 60; subsection (1) was amended by the Merchant Shipping Act 1979 (c. 39), section 43(3) and Schedule 6, Part VIII.