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STATUTORY INSTRUMENTS

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**1998 No. 2771**

**The Merchant Shipping (Vessels in Commercial  
Use for Sport or Pleasure) Regulations 1998**

**Interpretation**

2.—(1) In these Regulations—

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(1)</sup> as adjusted by the Protocol signed at Brussels on 17th May 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“large vessel” means a vessel which is not a small vessel;

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

“pleasure vessel” means—

(a) any vessel which at the time it is being used is:

(i) (aa) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) in the case of a vessel owned 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

(ii) on a voyage or excursion which is one for which the owner 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 excursion; or

(b) any vessel wholly owned 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 are paid into club funds and applied for the general use of the club; and

(c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

In this definition “immediate family” means—

in relation to an individual, the husband or wife of the individual, and a relative of the individual or the individual's husband or wife; and “relative” means brother, sister, ancestor or lineal descendant;

“small vessel” means a vessel of less than 24 metres in load line length or, in the case of a vessel the keel of which was laid or which was at a similar stage of construction before 21st July 1968, less than 150 tons; and in this definition—

“load line length” means the greater of the following distances, measured at and along the waterline—

- (a) the distance between the foreside of the stem and the axis of the rudder stock; or
- (b) a distance measured from the foreside of the stem, being 96 per cent of the distance between that point and the aft side of the stern.

The waterline referred to in this definition shall be at 85 per cent of the least moulded depth of the vessel. In the case of a vessel having a rake of keel, the waterline shall be parallel to the designed waterline;

“similar stage of construction” means a stage at which

- (a) construction identifiable with a specific vessel begins; and
- (b) assembly of that vessel, comprising at least 1% of the estimated mass of all structural material has commenced; and

“tons” means gross tons, measured in accordance with the Regulations for measuring tonnage in force on 20th July 1968.

(2) References to Codes of Practice in these Regulations are references to the Codes of those names published (or treated as published) by the Maritime and Coastguard Agency, and include any document amending the same which the Secretary of State considers relevant from time to time.

(3) Any reference in these Regulations to “proceeding to sea” includes a reference to proceeding on a voyage or excursion that does not involve going to sea.