

|  |  |
| --- | --- |
|  |  |

**DRAFT – 01/08/18**

**THE CODE OF PRACTICE FOR INTENDED PLEASURE VESSELS IN TEMPORARY COMMERCIAL USE AT SEA**

**(“THE IPV CODE”)**

**an amendment by addendum to**

**THE SAFETY OF SMALL COMMERCIAL SAILING VESSELS —**

**A CODE OF PRACTICE**

**THE SAFETY OF SMALL COMMERCIAL MOTOR VESSELS —**

**A CODE OF PRACTICE**

**THE SAFETY OF SMALL WORKBOATS AND PILOT BOATS –**

**A CODE OF PRACTICE**

**THE CODE OF PRACTICE FOR SAFETY OF LARGE COMMERCIAL SAILING AND MOTOR VESSELS\***

**enabled and underpinned through Statutory Instrument by**

**Regulations 4 and 5 of The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 (****SI 1998/2771), as amended; and**

**Regulation 5 of The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (SI 1998/1609), as amended.**

\*for Part 1 of this Code of Practice only.

1. **Introduction and Purpose**
	1. The commercial Merchant Shipping Regulations listed in the Schedules to [SI1998/2771](http://www.legislation.gov.uk/uksi/1998/2771/regulation/2/made) and [SI 1998/1609](http://www.legislation.gov.uk/uksi/1998/1609/contents/made), as amended, are disapplied for an **Intended Pleasure Vessel in temporary commercial use at sea on a single-voyage basis** which has been examined, and in respect of which a Certificate has been issued, in accordance with this Code of Practice. According to SI1998/2771 and SI 1998/1609, the vessel shall not proceed or attempt to proceed to sea unless the certificate is currently in force; and the vessel complies with the applicable requirements of the Code of Practice (including any requirements as to operation, manning and maintenance). Proceeding to sea includes a reference to proceeding on a voyage or excursion that does not involve going to sea. This means that compliance with the applicable Code of Practice is required from the point of leaving the shore/dock/pontoon for an activity that will be undertaken at sea.
	2. For Intended Pleasure Vessels, compliance with SI1998/2771 and SI1998/1609 is conditional on the temporary commercial use being within the scope of the application and conditions of the relevant Part of this Code of Practice. When considering if either part of this Code of Practice is relevant or applicable to the operation being considered, careful attention needs to be paid to the Pleasure Vessel definition and the description of Application of the relevant Part to this Code of Practice. Examples of use within and outside the scope of this Code of Practice are provided but are not exhaustive. If in doubt, vessel owners should seek legal advice about the status of a vessel/voyage.
	3. In accordance with SI1998/2771 and SI1998/1609, as amended, this Code of Practice (as amendments by addendum to the Codes of Practice referred to in the regulations) may be amended by the Maritime and Coastguard Agency acting on behalf of the Secretary of State.
	4. It is important to stress that in the underpinning Statutory Instrument (SI1998/2771) criminal liability upon summary conviction for non-compliance is assigned to Owners and Masters only. What this means in practical terms is that the Code of Practice places obligations on the Operator but the responsibility for making sure that the Operator has complied with the requirements resides with the Owner and Master. In some cases, the Master (or the Owner) at the time of temporary commercial use at sea may also be the Operator, but it is also possible that in some cases the Master at the time of temporary commercial use is merely affiliated (through employment) to the Operator, particularly where the Operator is a Body Corporate.
2. **Definitions** (applicable to Parts 1 and 2 of this Code of Practice unless otherwise stated)
	1. **Certificate** means, for the purpose of this Code of Practice, either the self-declaration Certificate or DSM audit Certificate described in the Certification Arrangements sections of this Code of Practice, as appropriate.
	2. **Domestic Safety Management (DSM)** means the safety management audit regime normally applied to domestic passenger vessel operations and defined in [MGN536](https://www.gov.uk/government/publications/mgn-536-m-safety-management-code-for-domestic-passenger-ships).
	3. **Gross Tonnage (GT)** means: -
3. in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 of the Merchant Shipping (Tonnage) Regulations 1982 [(SI 1982/841](http://www.legislation.gov.uk/uksi/1982/841/contents/made)) permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnage) Regulations 1997 (SI 1997/1510) is a reference to the larger of these tonnages;
4. in relation to a ship having its tonnage determined both under Part II and regulation 12(2) of those 1997 Regulations is a reference to its gross tonnage as determined under regulation 12(2).
	1. **Immediate family** as defined forPleasure Vessel use 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.

2.5 **International Maritime Organization (IMO)**, a specialised agency of the United Nations.

2.6 **Intended Pleasure Vessel** means for Part 1 of this Code of Practice any vessel intended to be used or normally in use as a Pleasure Vessel but which is used at sea on a single-voyage basis by the vessel owner, manufacturer, broker, surveyor, or repairer for business purposes relating to sale, repair, post-production / post-repair / mid-survey sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose. For Part 2 of this Code of Practice, Intended Pleasure Vessel means any vessel intended to be used or normally in use as a Pleasure Vessel but which is used at sea as a Race Support Boat.

2.7 **Length** **(of vessel) for a registered ship** means registered length. Registered Length is the “length” as defined in the Merchant Shipping (Tonnage) Regulations 1997, ([SI 1997/1510](http://www.legislation.gov.uk/uksi/1997/1510/contents/made)) which is defined as the greater distance of the following distances –

 (a) the distance between the fore side of the stem and the axis of the rudder stock; or

 (b) 96 per cent of the distance between the fore side of the stem and the aft side of the stern;

 the points and measurements being taken respectively at and along a waterline at 85 per cent of the least moulded depth of the ship. In the case of a ship having a rake of keel the waterline shall be parallel to the designed waterline.

2.8 **Length (of a vessel) for an unregistered ship** means the length from the fore part of the stem to the aft side of the head of the stern post or, if no stern post is fitted to take the rudder, to the fore side of the rudder stock at the point where the rudder passes out of the hull;

2.9 **Manufacturer** means the individual or body corporate which constructed the vessel or is contracted by the individual or body corporate which constructed the vessel to act as their main agent within the UK.

2.10 [MGN280](https://www.gov.uk/government/publications/mgn-280-small-vessels-in-commercial-use-for-sport) (for Annex 1) means the Small Commercial Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats – Alternative Construction Standards.

* 1. **Mile** means a nautical mile of 1,852 metres.

2.12 [Large Commercial Yacht Code](http://www.redensigngroup.org/publications.aspx) (for Annex 1) means the Large Commercial Yacht Code, the appropriate standard for vessels over 24m Load Line Length.

* 1. **National Governing Body of Sport** means a national governing body for a sport or activity conducted on or in water which is recognised by: -
1. Sport England; or
2. Sport Scotland; or
3. Sport NI; or
4. Sport Wales.
	1. **Operator** means the individual or body corporate responsible for the operation and safety on-board of an Intended Pleasure Vessel while at sea. For Part 1 of this Code of Practice the Operator would be either the Owner or the manufacturer, broker, surveyor, or repairer contracted by the Owner for business purposes relating to sale, repair, post-production / post-repair / mid-survey sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose. For the purpose of DSM Certification, the Operator shall be deemed the DSM “Company”. For Part 2 of this Code of Practice the Operator would be an individual assigned by the Race Management Committee for Race Support Activities.
	2. **Owner** means, in relation to a vessel, the individual(s), body corporate, or member’s club owning the vessel.

2.16 **Passenger** means a person carried on a vessel with the exception of: -

(a) a person employed or engaged in any capacity on the business of the vessel:

(b) a person who is on board either because of the obligation on the master of the vessel to carry shipwrecked or distressed persons or because of a circumstance that neither the master, Owner nor charterer (if any) could have prevented, for example a stowaway;

(c) a child under one year of age.

* 1. **Pleasure Vessel** (according to [SI1998/2771](http://www.legislation.gov.uk/uksi/1998/2771/contents/made)) 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.

* 1. **Race Management Committee** (with respect to Part 2 of this Code of Practice) means the Committee delegated with all the powers required to conduct the racing and is responsible for the management (and safety of) the Race Support Activities in order to meet the race management requirements of the Member National Authority. For example, for the sport of sailing, it is the Race Committee appointed to achieve the Racing Rules of Sailing regulation 89.2(b).
	2. **Race Support Activities** (with respect to Part 2 of this Code of Practice) means the laying, adjusting and collecting of racing course and boundary markers at sea, monitoring the safety of a race at sea, assisting race participants in difficulties at sea, providing support to competitors while afloat at sea (including coaching), adjudicating a race at sea, and marshalling the participants and spectators of a race at sea with respect to the boundaries and course of a race. The scope and direction for all such activities will be determined by the Race Management Committee and all such activities will be undertaken only for yacht or powerboat racing affiliated to the National Governing Body of Sport.
	3. **Race Support Boat** (with respect to Part 2 of this Code of Practice) means a vessel used for Race Support Activities in a race affiliated to the National Governing Body of Sport.
	4. **Recreational Craft** means any boat of any type regardless of its means of propulsion;
1. whose hull, when measured in accordance with the appropriate harmonised standards, is not less than 2.5 metres and not more than 24 metres in length; and

 (b) which is intended for sports or leisure purposes.

* 1. **Recreational Craft Directive (RCD)** means Directive 2013/53/EU or Directive 94/25/EC as amended by 2003/44/EC on recreational craft.
	2. **Registered Ship** means a ship registered on the register of British ships maintained for the United Kingdom under section 8 of the Merchant Shipping Act 1995.
	3. **Safe Haven** means a harbour or shelter of any kind which affords entry, subject to prudence in the weather conditions prevailing, and protection from the force of the weather.
	4. **Single-voyage Basis** means for Part 1 of this Code of Practice a one-off use for business purposes relating to sale, repair, post-production / post-repair or mid-survey sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose. Any return trips or requirements for further sea trials after the first such occurrence each count as a distinct single-voyage and should be accounted for as such. For Part 2 of this Code of Practice, a single-voyage basis in this context means a single event on no more than ten occasions at sea per calendar year for Race Support Activities outside the definition of Pleasure Vessel within the scope of application of Part 2 of this Code of Practice.
	5. **Temporary** means lasting only for a short time; not permanent.
	6. **At Sea** means beyond UK Categorised Waters, as defined in [MSN1837](https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters), as amended.

**PART 1 TO THE CODE OF PRACTICE FOR INTENDED PLEASURE VESSELS IN TEMPORARY COMMERCIAL USE AT SEA**

1. **Application and Introduction**

1.1 Part 1 of this Code of Practice is applicable to Intended Pleasure Vessels in temporary commercial use on a single-voyage basis by vessel Owners, manufacturers, brokers, surveyors, or repairers for business purposes relating to sale, repair, post-production / post-repair or mid-survey sea trials, customer sea trials, or vessel delivery outside the definition of Pleasure Vessel. It is applicable to Intended Pleasure Vessels of any size which are United Kingdom vessels wherever they may be. It also applies to other Intended Pleasure Vessels operating from United Kingdom ports whilst in United Kingdom waters. The user of the vessel is termed the “Operator” and has responsibilities for equipping and maintaining the vessel according to this Part of the Code of Practice while the vessel Owner has a responsibility for ensuring that the Operator has a system in place in order to disapply the Merchant Shipping Regulations through compliance with this Code of Practice. The application of Part 1 of this Code of Practice does not include any international voyages (from one State to another) – advice for Intended Pleasure Vessels in commercial use on international voyages should be sought from the nearest port authority in the host State, and the MCA.

1. **Vessel Use Included in the Application of Part 1 to this Code of Practice**
	1. Part 1 to this Code of Practice applies to any Intended Pleasure Vessel used at sea on a single-voyage basis by the vessel owner, manufacturer, broker, surveyor, or repairer for business purposes relating to sale, repair, post-production / post-repair or mid-survey sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose
2. **Vessel Use Excluded from the Application of Part 1 of this Code of Practice**
	1. Any vessel which is in use within the definition of a Pleasure Vessel. This may include a post-purchase delivery if that delivery is only for the sport or pleasure of the Owner or their immediate family or friends if owned by an individual. This may include delivery by a specialist delivery organisation if the vessel is wholly owned by an individual or individuals and no payments are made by or on behalf of users of the vessel, other than by the Owner. Such vessels need not require certification to a Code of Practice or merchant shipping regulations but will need to comply with Class XII requirements if the vessel is 13.7m in length or over.
	2. Any vessel which is normally in use outside the definition of Pleasure Vessel as a workboat or for any commercial use other than the business purposes or in connection with the business purposes described in paragraph 2.1. Such vessels should be examined and certificated to an alternative Code of Practice or Merchant Shipping Regulations. Advice should be sought from the nearest MCA Marine Office.
	3. Any vessel which is in use outside the definition of Pleasure Vessel and not operating on a temporary single-voyage basis. This includes vessels on relocation delivery where the purpose of the delivery is to locate the vessel for its next commercial activity (such as charter). Such vessels should be examined and certificated to an alternative Code of Practice or Merchant Shipping Regulations. Advice should be sought from the nearest MCA Marine Office.

3.4 Any vessel which is not in use at sea. If operating in commercial use within Categorised Waters, advice should be sought from the nearest MCA Marine Office or local authority with responsibility for the particular waters (for example, the PLA on the River Thames).

* 1. Any vessel which is in use on an international voyage. or beyond the scope of application of Part 1 of this Code of Practice. Advice should be sought from the nearest MCA Marine Office about the applicable requirements which will differ depending on the type and use of vessel. Also, vessels operating from or within the waters of a State other than the UK should seek guidance from the relevant port-State or coastal-State on the applicable local requirements.
	2. Any marine vehicle or craft which is not a sailing vessel or a motor vessel. Part 1 of this Code of Practice does not apply to rowing boats, rowing skiffs, canoes, kayaks, paddle boards, kite-surf boards, surf-boards, windsurfing boards, body boards, jet-ski’s, jet-bikes or similar. For guidance on the applicable requirements for such craft, reference should be made to the National Governing Body for the Sport.

3.7 Any vessel which falls within the application of Part 2 of this Code of Practice.

1. **Certification Arrangements**
	1. The intent of Part 1 of this Code of Practice is to provide a proportionate and appropriate level of safety for temporary, single-voyage basis commercial use, while not affecting the construction of the vessel or placing undue burdens on the Operator using it.

4.2 It is also intended for Part 1 of this Code of Practice to ensure that pleasure vessel construction standards and appropriate equipment and operational measures are applied to deliver an equivalent level of safety by accounting for the limited potential risk of this type of use.

4.3 For the majority of operations by Owners, manufacturers, brokers, surveyors and repairers within the scope of Part 1 of this Code of Practice, a self-declaration Certificate approach of verification is permitted but for certain operations (defined and explained below) an annual audit of the Operator’s safety management system by the MCA is required.

4.4 Part 1 of this Code of Practice applies to all Intended Pleasure Vessels temporarily in commercial use by Owners, manufacturers, brokers, surveyors, or repairers irrespective of the size of the vessel. However, the MCA will require formal Domestic Safety Management (DSM) auditing and certification where a higher level of risk is presented.

4.5 For Part 1 of this Code of Practice, the Operator will need a DSM audit and certification from the MCA if they are: -

1. an Owner, or
2. a manufacturer, or

(b) a broker / brokerage, or

(c) a surveyor / survey organisation, or

(d) a repairer / repair facility

and engaged in more than 100 Intended Pleasure Vessel movements across the Operator’s fleet on a single-voyage basis per calendar year, where those vessel movements are outside of the definition of Pleasure Vessel on a single-voyage basis beyond 1 mile from land and more than 3 miles along the coast from the point of departure (or from the point the vessel is no longer in Categorised Waters) in either direction. The intention is that operations within a 6 mile by 1 mile box from the departure point are only required to comply with self-declaration Certificate arrangements. A record of the number of Intended Pleasure Vessel movements needs to be recorded by the Operator in order for the Code of Practice Certificate to be valid.

4.6 For part 1 of this Code of Practice the Operator will also need a DSM audit and certification if they are: -

1. an Owner in non-pleasure use, or
2. a manufacturer, or

(b) a broker / brokerage, or

(c) a surveyor / survey organisation, or

(d) a repairer / repair facility

and engaged in the movement of any vessel: -

1. at sea on a voyage of more than 60 miles, or
2. carrying more than 6 passengers on board to sea, or
3. carrying more than 9 persons on board to sea,

and any of those vessel movements are outside the definition of Pleasure Vessel on a single-voyage basis.

4.7 For Part 1 of this Code of Practice an Operator using an Intended Pleasure Vessel in temporary commercial use on a single-voyage basis but not in excess of the criteria for DSM audit and certification listed in paras 4.5 and 4.6 should comply with the terms and conditions of Part 1 of this Code of Practice and complete a self-declaration Certificate on each occasion before the vessel puts to sea. All such self-declaration Certificates should be signed and retained by the Operator for a period of three years. In such cases, there is no requirement to formally register use of Part 1 of this Code of Practice or notify self-declaration certification with the MCA. To comply with SI 1998/2771 and SI 1998/1906, the self-declaration certificate is to be displayed for the voyage in temporary commercial use at sea in some conspicuous place on board; or, if this is not reasonably practicable, is to be available for inspection onboard.

4.8 For Part 1 of this Code of Practice an Operator that exceeds the criteria for DSM audit and certification listed at paras 4.5 and 4.6 should set up their safety management system in accordance with the terms and conditions of Part 1 of this Code of Practice and then apply to the MCA for a DSM audit. The audit will be chargeable. The Operator then operates and issues self-declaration certification in accordance with Part 1 of this Code of Practice and, on each occasion, sends a copy of the self-declaration Certificate to the nearest MCA Marine Office by email, prior to departure. The original is to be displayed on board during the voyage in commercial use at sea.

4.9 An Owner always has the option of applying to the MCA for single-voyage Load Line Exemption(s) on a case-by-case basis or certification to an alternative Code of Practice applicable to non-temporary commercial use.

4.10 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 apply to workers on board all vessels as defined in the regulations. Similarly, other associated health and safety regulations may apply.

1. **General Requirements**

5.1 To comply with Part 1 of this Code of Practice, the Operator is required to: -

* ensure that the Owner authorises the use of the Intended Pleasure Vessel and agrees to it being certificated to Part 1 of this Code of Practice, this is to be recorded on the Certificate;
* verify that each vessel used and Certificated to Part 1 of this Code of Practice is an Intended Pleasure Vessel and only in temporary commercial use for a single-voyage basis at sea;
* maintain and implement a Safety Management System appropriate and proportionate to the safety risks presented by the activity undertaken;
* be in possession of a Domestic Safety Management (DSM) Document of Compliance (DoC) issued by the MCA where required by the Certification Arrangements section of Part 1 of this Code of Practice;
* ensure that the Conditions of Compliance at Section 6 of Part 1 of this Code of Practice are met for every voyage or operation using Part 1 of this Code of Practice;
* advise the MCA of any changes that affects compliance with Part 1 of this Code of Practice (only for cases where DSM certification has been issued by the MCA);
* ensure that each vessel is operated within the limits of scope of Part 1 of this Code of Practice, and specifically only undertakes UK domestic voyages within the limits specified in the Conditions of Compliance; and
* ensure that vessels operated according to Part 1 of this Code of Practice carry a maximum of 12 Passengers, and no more than 15 persons in total.

5.2 Both the Owner and Master of the vessel, if they are not also the Operator, are responsible for making sure the Operator complies with this Code.

1. **Conditions of Compliance**

General Conditions of Compliance

* 1. Each vessel is to be prepared suitably for sea by the Operator, and a passage plan for each voyage is to be made with due consideration being given to the official weather forecast and proximity of a potential place of refuge for each stage.
	2. The structure, watertight integrity and machinery for each vessel are to be deemed by the Operator to be suitable for the intended area of operation, duration of voyage, weather, sea conditions and purpose of voyage. This should be determined by and evidenced to the Operator through compliance with either the construction standards underpinning the RCD, Rules of a Classification Society listed in [MSN1672](https://www.gov.uk/government/publications/msn-1672-amendent-3), or, for vessels not complying with either the construction standards underpinning the RCD or Rules of a Classification Society listed in MSN1672 due to the age of the vessel or the country of build, a safe history of operation should be evidenced. The Owner of the vessel is to make clear to the Operator how the vessel meets this requirement and the means of meeting this requirement should be identified on the Code of Practice Certificate (Self-declaration certification or DSM certification, whichever is applicable).

6.3 Sufficient local post-production shore-side trials are to be undertaken by the Operator alongside prior to departure to ensure all systems are working reliably, and that any observed defects affecting the safety of the vessel are rectified before commencing a voyage.

6.4 All voyages under Part 1 of this Code of Practice are undertaken within; 60 nautical miles from a Safe Haven and within 12 miles of the coast of the United Kingdom, except in cases of force majeure. This is to be included within the Operator’s Safety Management System for the activities to be undertaken. Any voyage outside of these limits would need to be considered by the MCA on a case-by-case basis, which can authorize such voyages if appropriate/necessary through Load Line Exemption not through this Code of Practice.

6.5 Operator’s procedures are to be in place and include limiting operating conditions (such as maximum wind force or distance of passage, or hours of use) that are to be observed during use as an Intended Pleasure Vessel in Temporary Commercial Use at Sea. At any stage of the passage due regard is to be given to official weather forecasts to ensure that there is a reasonable prospect of the voyage being completed in favorable weather, which is defined as fine, clear settled weather with a sea state such as to cause only moderate rolling and / or pitching.

6.6 All equipment unnecessary for the voyage is removed and any loose gear is adequately secured. The vessel shall not be used for the transport of cargo including marketing material or stand hardware intended for exhibitions, for example.

6.7 The vessel is to be manned in accordance with paragraph 6.30 of Part 1 of this Code of Practice.

6.8 Persons on board are to be limited to the crew for the vessel, manufacturer’s personnel, and/or those persons specifically required for the purpose of the voyage.  The number of passengers included in this group must be limited to 12, and only where the Operator’s procedures are included within the Safety Management System.

6.9 The maximum number of such persons are to be limited in accordance with an assessment made by the Operator based on the size of the vessel undergoing trials and the remit of each trial, in accordance with the Safety Management System. The maximum number of persons on board must not exceed 15.

6.10 All persons on board are to be briefed and drilled in emergency procedures before departure.

6.11 All fire safety appliances are to be provided (fitted or carried for the voyage only) and fully operational in accordance with MGN280 or Large Commercial Yacht Code (as appropriate to the size of the vessel) and as defined within the Safety Management System.

6.12 Suitable “Fire and Abandon Ship” and “Man Overboard” drills are to be carried out with Operator staff and vessel crew on a regular basis.

6.13 Radio communications equipment is to be provided in accordance with MGN280 or Large Commercial Yacht Code and as defined within the Safety Management System.

6.14 An arrangement for towing the vessel is to be provided for use in an emergency.

6.15 Navigational equipment is to be fitted according to MGN280 or Large Commercial Yacht Code standards (as appropriate to the size of vessel), and as defined within the Safety Management System, or equivalent.

6.16 Lights, shapes and sound signals are to be fitted and rigged as stipulated by the COLREG requirements for a vessel of that length.  The radar reflector is to be rigged in position.

6.17 Safety is to be continuously managed throughout the voyage in accordance with the Operator’s Safety Management System.

6.18 Adequate provision is to be made for accommodation facilities, provisions and potable water, which may be in the form of bottled water, for drinking purposes.

6.19 Where required, the Safety Management System is to be audited by MCA surveyors and a DSM DOC issued valid for a period of up to five years. This is subject to annual Audit of the Operator by the MCA. Fees will be charged by the MCA for these audits. The Operator and vessels compliant with Part 1 of this Code of Practice will also be subject to inspection at any reasonable time by the MCA. Fees are not charged for ad-hoc inspections.

6.20 Self-declaration certification, in a format given in the Safety Management System for each voyage, is issued by the Operator and where required by the MCA, notified to the designated MCA marine office by email. MCA Marine Office contacts are listed at [www.gov.uk](http://www.gov.uk).

Life-saving Specific Conditions

6.21 All lifesaving appliances are provided and fully operational in accordance with MGN280 or Large Commercial Yacht Code (as appropriate to the size of the vessel), and as defined within the Safety Management System.

6.22 Suitable means of escape are to be provided from all compartments, with access ladders rigged where applicable to allow egress, and that all such escapes are fully operational.

Ship Construction and Machinery Specific Conditions

6.23 The vessel is to have a means of providing emergency power to the extent required by MGN280 or Large Commercial Yacht Code (as appropriate to the size of the vessel), or equivalent, and as defined within the Safety Management System~~.~~ The emergency power system is to be fully operational.

6.24 The vessel is to be equipped with an anchor suitable for use in an emergency,

6.25 The engines and steering systems are to be maintained by the manufacturer or the manufacturers appointed agent in accordance with their periodic maintenance schedules.

6.26 The vessel does not proceed to sea without all machinery and control systems being operational and pre-departure checks completed.

Load Line and Stability Specific Conditions

6.27 Access hatches, doors, ventilators, ship side valves, sea inlets/ outlets, covers and all other openings above and below the waterline are to be fully operational prior to departure, have an identifiable and accessible secure closing/ closing-off function. Also, maximum watertight and weathertight integrity is maintained at all times in accordance with RCD or the standards applicable to the date and type of construction – for example, by keeping hatches closed while at sea.

6.28 Adequate stability information is to be available and the Operator is to confirm the acceptability of the stability of the vessel, in accordance with MGN 280, MSN 1851, the RCD, or Classification Society Standards, whichever is the appropriate standard for the size, age and type of the vessel. This is to be recorded on the self-declaration Certificate.

6.29 Adequate positive stability and freeboard are to be maintained throughout the voyage in accordance with the vessel’s stability information, including during high speed maneuvers, where applicable, and as defined within the Safety Management System.

Minimum Manning Specific Conditions

6.30 The requirements of MSN1868, or any subsequent amendment, are to be complied with, with regards to Hours of Work. Also, the tables below are to be complied with.

Table1 for Minimum Manning - Vessels <24m Load Line Length

|  |  |  |
| --- | --- | --- |
| **Capacity**  | **Minimum Certification** | **Number** |
| Master | Master in accordance with MGN 280 to be defined by the Operator for each class / size of vessel. | 1 |
| Crew | Crew in accordance withMGN 280 to be defined by the Operator for each class / size of vessel.   | 1 |
| Engineer where applicable  | Engineer / Crew in accordance with MGN 280 to be defined by the Operator for each class / size of vessel. | 1 where applicable  |

 Table 2 for Minimum Manning - Vessels 24m or over Load Line Length

|  |  |  |
| --- | --- | --- |
| **Capacity**  | **Minimum Certification** | **Number** |
| Master | Master Yachts Less than 500GT (STCW Reg II/2)   | 1 |
| Chief Officer | Coastal Skipper   | 1 |
| Chief Engineer  | Chief Engineer Yachts (Y1)(STCW Reg III/2)   | 1 |
| Yacht Rating | Yacht Rating (Reg II/4 and III/4) | 2 |

The Chief Engineer (Y1) (STCW III/2) may be replaced with a Chief Engineer (Y3) (STCW Reg III/3) providing the holder has completed an Engine Manufacturer’s course covering the operation and daily maintenance of the engines fitted.

The Yacht Ratings (Reg II/4 and Reg III/4) may be replaced with Navigational Watch Rating (STCW II/4).

Clean Seas Specific Conditions

6.31 Intended Pleasure Vessels are to meet national and local requirements for the prevention of marine pollution which are applicable to the area in which the vessel is operating. Responsibility for the vessel to be properly equipped and maintained to meet the requirements prevailing rests with the Owner.

6.32 The disposal of garbage into the sea is prohibited.

DSM Certification Specific Conditions

6.33 The Operator is to set up a Safety Management System (SMS) in accordance with MGN536 (except Section 3) and the Operator is to be audited for the issue of a DSM DOC Certificate if required by Part 1 of this Code of Practice. The DOC (if issued) must remain valid to comply with the terms and conditions of Part 1 of this Code of Practice.

6.34 The SMS in place with the Operator will set out procedures for complying with the terms and conditions of this Code of Practice and will define the nominated persons of responsibility for the issue of the Certificate referred to in 6.35 below. The Operator is to make the Owner aware of the SMS procedures and arrangements to assure the safety of the vessel.

Form of Self-Declaration Certificate

6.35 The Operator is responsible for the issue of the self-declaration Certificate for each voyage made under Part 1 of this Code of Practice and to forward a copy to their designated MCA Marine Office by email. This Certificate confirms that the responsible person identified by the Operator has complied with the terms and conditions of Part 1 of this Code of Practice for the forthcoming voyage. The format of the Self-declaration Certificate is shown at Annex A.

**PART 2 TO THE CODE OF PRACTICE FOR INTENDED PLEASURE VESSELS IN TEMPORARY COMMERCIAL USE AT SEA**

1. **Application and Introduction**
	1. Part 2 of this Code of Practice is applicable to Intended Pleasure Vessels which are in temporary commercial use at sea on a single-voyage basis as a **Race Support Boat for the purpose of Race Support Activities of yacht or powerboat racing affiliated to the National Governing Body of the Sport**. It provides a standard for small (<8m) Intended Pleasure Vessels used for no more than ten occasions per calendar year (single-voyage basis) as a Race Support Boat for Race Support Activities outside the definition of Pleasure Vessel either by the Owner or persons authorised by the Owner to do so. It is aimed at open boats such as Rigid Inflatables but does not prohibit use for small (<8m) decked vessels. Operators are advised that other Codes of Practice may be more appropriate for decked vessels.
	2. Part 2 of this Code of Practice is applicable to Intended Pleasure Vessels of no more than 8m Length which are United Kingdom vessels within United Kingdom waters (and any other Intended Pleasure Vessel of no more than 8m Length operating from United Kingdom ports) whilst fulfilling a role in United Kingdom waters as a Race Support Boat for a yacht or powerboat race affiliated to the UK National Governing Body of Sport.
	3. The application of Part 2 of this Code of Practice does not include any Race Support Activities beyond 3 miles from the UK Coastline and it does not include any Race Support Activities beyond: -
2. transition to the Race Course Area(s) as defined by the Notice of Race, and
3. movements as directed by the Race Committee as defined by the Notice of Race.
	1. Race Support Boats used beyond the scope of application of Part 2 of this Code of Practice should instead be Certificated to an alternative and appropriate Code of Practice or operate entirely within the definition of Pleasure Vessel.
	2. The user of the vessel is termed the “Operator” and has responsibilities for equipping and maintaining the vessel according to Part 2 of this Code of Practice. The Owner has a responsibility for ensuring that the Operator has a safety management system in place in order to disapply the Merchant Shipping Regulations through compliance with Part 2 of this Code of Practice, and both the Owner and the Master (where they are not the Operator) are responsible for ensuring the Operator complies with Part 2 of this Code of Practice.
4. **Vessel Use Included in the Application of Part 2 of this Code of Practice**

2.1 Any Intended Pleasure Vessel (within the scope of application) normally in use for sport or pleasure but for a single-voyage basis the use is temporarily not within the definition of a Pleasure Vessel because it is taken to sea by the Owner to provide Race Support Activities for a yacht or powerboat race affiliated to the National Governing Body of Sport.

2.2 Any Intended Pleasure Vessel (within the scope of application) normally in use for sport or pleasure but for a single-voyage basis the use is temporarily not within the definition of a Pleasure Vessel because it is taken to sea by persons authorised by the Owner to provide Race Support Activities for a yacht or powerboat race affiliated to the National Governing Body of Sport.

2.3 In both cases this is because using the vessel to assist other persons with a race is not using the boat for the owner’s own pleasure.

1. **Vessel Use Excluded from the Application of Part 2 of this Code of Practice**
	1. Any vessel which is in use within the definition of a Pleasure Vessel. This may include the use of a support boat owned by a Members Club and used by the Members of the club. Such vessels need not require certification to a Code of Practice or merchant shipping regulations but will need to comply with Class XII requirements if the vessel is 13.7m in length or over.
	2. Any vessel which is in use outside the definition of Pleasure Vessel as a workboat or pilot boat. Such vessels should be examined and certificated to the appropriate alternative Code of Practice or merchant shipping regulations. Advice should be sought from one of the UK authorised small commercial vessel Certifying Authorities or the nearest MCA Marine Office.
	3. Any vessel which is in use outside the definition of Pleasure Vessel and not operating on a temporary single-voyage basis at sea as a Race Support Boat for Race Support Activities of yacht or powerboat racing affiliated to the National Governing Body of Sport. Such vessels should be examined and certificated to an alternative Code of Practice or Merchant Shipping Regulations because they do not fall within the definition of Intended Pleasure Vessel. Advice should be sought from the nearest MCA Marine Office.
	4. Any vessel which is not in use at sea. If operating in commercial use within Categorised Waters, advice should be sought from the nearest MCA Marine Office or local authority with responsibility for the particular waters (for example, the PLA on The Thames).
	5. Any vessel which is in use on an international voyage or beyond the scope of application of Part 2 of this Code of Practice. Advice should be sought from the nearest MCA Marine Office about the applicable requirements which will differ depending on the type and use of vessel. Also, vessels operating from or within the waters of a State other than the UK should seek guidance from the relevant port-State or coastal-State on the applicable local requirements.
	6. Any marine vehicle or craft which is not a sailing vessel or a motor vessel. Part 2 of this Code of Practice does not apply to rowing boats, rowing skiffs, canoes, kayaks, paddle boards, kite-surf boards, surf-boards, windsurfing boards, body boards, jet-ski’s, jet-bikes or similar. For guidance on the applicable requirements for such craft, reference should be made to the National Governing Body for the Sport.
	7. Any vessel of more than 8m in Length, and vessel carrying passengers, and any vessel carrying more than 10 persons.
	8. Any vessel or use of vessel which falls within the application of Part 1 of this Code of Practice.

**4. Certification Arrangements**

* 1. The intent of Part 2 of this Code of Practice is to provide a proportionate and appropriate level of safety for temporary, single-voyage basis commercial use for Intended Pleasure Vessels used as a Race Support Boat, while not affecting the construction of the vessel or placing undue burdens on the operator using it. It is not intended to be more onerous than would be expected of usual race management practice in the UK for Race Support Boats.
	2. It is also intended to ensure that pleasure vessel construction standards and appropriate equipment and operational measures are applied to deliver an equivalent level of safety by accounting for the limited potential risk of this type of use.
	3. Part 2 of this Code of Practice applies a self-declaration Certificate approach. An Operator using an Intended Pleasure Vessel in temporary commercial use at sea on a single-voyage basis as a Race Support Boat should comply with the requirements of Part 2 of this Code of Practice and issue a self-declaration Certificate on each occasion before the Race Support Boat puts to sea. All such self-declaration Certificates should be signed and retained by the Operator for a minimum period of three years. There is no requirement to formally register use of Part 2 of this Code of Practice or notify self-declaration Certification with the MCA.

4.4 A vessel Owner always has the option of applying to the MCA for single-voyage Load Line Exemption(s) on a case-by-case basis or certification to a Small Commercial Vessel Code of Practice applicable for non-temporary use.

4.5 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 apply to workers on board all vessels as defined in the regulations. Similarly, other associated health and safety regulations may apply.

1. **General Requirements**

5.1 To comply with Part 2 of this Code of Practice, the Operator is required to: -

* ensure that the Owner authorises the use of the Intended Pleasure Vessel as a Race Support Boat and agrees to it being certificated to Part 2 of this Code of Practice, this is to be recorded on the Certificate;
* verify that each vessel used and Certificated to Part 2 of this Code of Practice is an Intended Pleasure Vessel and only in temporary commercial use for a single-voyage basis as a Race Support Boat for Race Support Activities at sea;
* maintain and implement a Safety Management System appropriate and proportionate to the safety risks presented by the activity undertaken and in accordance with the Race Management guidance issued by the National Governing Body of Sport;
* ensure that the Conditions of Compliance at Section 6 of Part 2 of this Code of Practice are met for every voyage or operation using Part 2 of this Code of Practice;
* ensure that each Race Support Boat is operated within the limits of scope of Part 2 of this Code of Practice, and specifically only undertakes UK domestic voyages within the limits specified in the Conditions of Compliance; and
* ensure that Race Support Boats operated according to Part 2 of this Code of Practice carry a maximum of 6 Passengers, and no more than 10 persons in total.

5.2 Both the Owner and the Master (where they are not the Operator) are responsible for ensuring the Operator complies with this Code of Practice.

1. **Conditions of Compliance**

General Conditions of Compliance

* 1. Each Race Support Boat is to be prepared suitably for sea by the Operator, and a race management plan inclusive of the use of the Race Support Boat for Race Support Activities is to be made with due consideration being given to the official weather forecast and proximity of a potential place of refuge for each stage.
	2. The structure, watertight integrity and machinery for each Race Support Boat are to be deemed by the Operator to be suitable for the intended area of operation, duration of Race Support Activities, weather, and sea conditions. This should be determined by and evidenced to the Operator through compliance with either the construction standards underpinning the RCD, Rules of a Classification Society listed in [MSN1672](https://www.gov.uk/government/publications/msn-1672-amendent-3), or, for vessels not complying with either the construction standards underpinning the RCD or Rules of a Classification Society listed in MSN1672 due to the age of the vessel or the country of build, a safe history of operation should be evidenced. The Owner of the vessel is to make clear to the Operator how the vessel meets this requirement and the means of meeting this requirement should be identified on the Code of Practice Certificate (Self-declaration Certification at Annex A).
	3. All uses of a Race Support Boat are undertaken within 1 mile to sea from the UK Coastline and within 1 mile from the race start line. All such uses are to be within UK territorial waters. Area of operation is to be included within the Operator’s Safety Management System for the activities to be undertaken. Any voyage outside of these limits would need to be considered by the MCA on a case-by-case basis, which can authorise such voyages if necessary/appropriate through Load Line Exemption.

6.4 Operator’s procedures are to be in place and defined to determine limiting conditions that are to be observed whilst the Race Support Boat is at sea. Due regard is to be given to official weather forecasts to ensure that there is a reasonable prospect of the Race Support Boat in favorable weather, which is defined as fine, clear settled weather with a sea state such as to cause only moderate rolling and / or pitching.

6.5 As far as is practicable, any equipment unnecessary for use as a Race Support Boat is to be removed and any loose gear is to be adequately secured. The Race Support Boat shall not be used for the transport of cargo including marketing material or stand hardware intended for exhibitions, for example.

6.6 The Race Support Boat is manned in accordance with paragraphs 6.28 and 6.29. The persons on board are to be limited to the crew for the Race Support Boat and any race officers and adjudicators identified by the Race Management Committee as being required on board.  This cannot include any passengers. The maximum number of persons on board must not exceed 10. All persons on board are to be briefed and drilled in emergency procedures before departure.

6.7 Safety of the Race Support Boat is to be continuously managed throughout in accordance with the Operator’s Safety Management System.

6.8 An arrangement for towing the vessel is to be provided for use in an emergency and the Race Support Boat is to be equipped with an anchor suitable for use in an emergency.

6.9 Adequate provision is to be made on Race Support Boats for accommodation facilities, provisions and potable water (as appropriate to the size of the vessel and the duration of Race Support Activities. Provision of potable water may be in the form of bottled water.

Radio and Navigation Safety Specific Conditions

6.10 Vessels must have appropriate devices for ensuring radio communications. A minimum of one DSC compliant portable VHF radio is to be provided on board. Consideration should be made for the provision of spare batteries or a spare VHF depending on the anticipated duration of Race Support Activities.

6.11 Race Support Boats are to carry on board an efficient magnetic compass or other means independent of the main power supply, to determine the vessel’s heading. Suitable charts for the area (or a suitable electronic chart plotting system), tide tables, and a radar reflector are to be carried. Lights, shapes and sound signals are to be fitted and rigged as stipulated by the COLREG requirements for a vessel of that length. The person helming a Race Support Boat is to have a clear view for the safe navigation of the vessel.

Bilge Pumping Specific Requirements

6.12 A minimum of one hand powered bilge pump or a bailer or a bucket is to be provided on board. Where a hand powered bilge pump is provided, it shall have a pump capacity of not less than 15 litres per minute.

Fire-Safety Specific Conditions

6.13 A minimum of one multipurpose fire extinguisher with minimum fire rating of 5A/34B is to be provided on board Race Support Boats, stowed in a readily accessible location.

Life-Saving Specific Conditions

6.14 The following life-saving appliances are the minimum which are to be carried on board and may be stowed in a grab-bag: -

 2 buoyant lines of 18m length, each attached to a throwing quoit

 2 red hand flares

 2 buoyant or hand-held smoke signals

 1 fog horn in working order

 1 First aid kit to Category C Medical Stores as described by MSN1768

2 Thermal Protective Aids

6.15 Lifejackets are to be worn at all times by all persons on board. Lifejackets should comply with ISO 12402-3 (150N), ISO 12402-6, the Marine Equipment Directive / SOLAS.

6.16 Suitable means of escape are to be provided and all such escapes are to be fully operational.

Construction and Machinery Specific Conditions

6.17 The design and construction of the hull is to provide adequate strength and service life for the safe and effective operation of the vessel, to withstand the sea and weather conditions likely to be encountered in the area of operation, at the vessel’s service draught and maximum service speed. To achieve this, the Operator should evidence compliance with the requirements at section 6.2 above.

6.18 Race Support Boats are not to proceed to sea without all machinery and control systems being operational and pre-departure checks being completed by the Operator. The engines and steering systems of a Race Support Boat are to be maintained in accordance with their periodic maintenance schedules. Outboard petrol engines for a Race Support Boat are to comply with recognised safety standards for their fitting and operation.

6.19 When the steering control is remote from the means of steering, an emergency means is to be provided for steering the vessel in the event of failure of the main steering control. For open Rigid Inflatable Boats, emergency steering arrangements may take the form of a steering oar.

6.20 Electrical arrangements should be as such to minimise the risk of fire and electric shock.

6.21 A Race Support Boat is to carry a sufficient reserve of fuel for the duration of the intended use. However, in Race Support Boats powered by petrol engines, spare petrol is not to be carried on board unless it is judged by the Operator to be essential to assure the safe completion of the Race Support Activities as directed by the Race Management Committee.

6.22 If such spare petrol is carried on board in portable containers (including spare fuel tanks), the number of containers is to be kept to a minimum. The containers are to be clearly marked and stowed on the open deck where they can be readily jettisoned and where spillage will drain directly overboard.

Load Line Specific Conditions

6.23 Access hatches, doors, ventilators, ship side valves, sea inlets/ outlets, covers and all other openings above and below the waterline are to be fully operational prior to departure, have an identifiable and accessible secure closing/ closing-off function. Also, maximum watertight and weathertight integrity is to be maintained at all times, for example, by keeping hatches closed while at sea.

6.24 Adequate stability information is to be available and to confirm the acceptability of the stability of the vessel in accordance with Classification Society Rules, MGN280, or ISO12217 (whichever is the appropriate standard for the size, age and type of the vessel).

6.25 Adequate positive stability and freeboard are maintained throughout the voyage in accordance with the vessel’s stability information, including during high speed maneuvers, where applicable and as defined within the Safety Management System.

Clean Seas Specific Conditions

6.26 The Race Support Boat is to meet national and local requirements for the prevention of marine pollution which are applicable to the area in which the vessel is operating. Responsibility for the vessel to be properly equipped and maintained to meet the requirements prevailing rests with the Owner.

6.27 The disposal of garbage into the sea is prohibited by other rules and regulations.

Minimum Manning Specific Conditions

6.28 The Operator is to be satisfied that the skipper and Crew are competent for the Race Support Activities. The minimum standard required is RYA Powerboat Level 2 or an equivalent national recognised certificate. A second person on board should be trained and competent in handling emergency situations. At least one person on board should also be qualified to operate the VHF radio, and at least one person should hold a maritime first aid qualification to a minimum level of RYA First Aid at Sea.

6.29 The Safety Management System established by the Operator will set out procedures for complying with the terms and conditions of Part 2 of this Code of Practice and will define the nominated persons who will be responsible for the issue of the self-declaration Certificate below.

Form of Self-Declaration Certificate Specific Conditions

6.30 The Operator is responsible for the issue of the Self-declaration Certificate for each use of a Race Support Boat made under Part 2 of this Code of Practice. This certificate confirms that the responsible person has complied with the terms and conditions of this Code of Practice for the forthcoming Race Support Activities. The format of the Self-Declaration Certificate is shown at Annex A to this Code of Practice.

**Annex A – Form of Self Declaration Certificate**

**NOTE: This certificate must be displayed in some conspicuous place on board; or, if this is not reasonably practicable, be available for inspection on board.**

[Enter Operator Name and/or Logo Here]

This Code of Practice Self-declaration Certificate is issued under the terms and conditions of [Part 1 or Part 2 (*delete as appropriate*) of] the Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea made under SI1998/2771 and SI1998/1609.

|  |  |
| --- | --- |
| **Date of Expiry of DSM DOC (if applicable)** |  |
| **Vessel Name, Length and Date of Build** |  |
| **Date and time of start of voyage** |  |
| **Date and time of end of voyage** |  |
| **Point of Departure** |  |
| **Point of Arrival** |  |
| **Max. distance from point of departure** |  |
| **Max. persons and passengers on board** |  |

I, [name], do declare that the above named Intended Pleasure Vessel will be making the temporary commercial single-voyage at sea (as described above) under the terms and conditions of [Part 1 or Part 2 (*delete as appropriate*) of] the Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea and all the terms and conditions of the relevant Part of the Code of Practice have been met, in particular: -

|  |  |
| --- | --- |
| **Requirement** | **Confirmed** |
| Hull Construction and Machinery |  |
| Life-saving Appliances, Fire Protection and Fire Fighting Appliances |  |
| Radio Equipment and Navigation Safety |  |
| Load Line, Weathertight Integrity, Bilge Pumping |  |
| Stability |  |
| Safe Manning and Qualifications |  |
| Clean Seas |  |
| Safety Management System |  |

|  |  |  |
| --- | --- | --- |
| **Signature (Operator)** | **Name (Operator)** | **Date (Operator)** |
|  |  |  |

I, [Insert name], as the Owner of the above-named vessel understand that it will be used by the above named Operator under the terms and conditions of The Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea.

|  |  |  |
| --- | --- | --- |
| **Signature (Owner)** | **Name (Owner)** | **Date (Owner)** |
|  |  |  |