**Maritime and Coastguard Agency Log**

**XXX (****)**

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| **Intended Pleasure Vessels - Temporary Commercial Use at Sea - Business Purposes**Notice to all builders, owners, surveyors, repairers, and skippers of Pleasure Vessels.*This Marine Guidance Note should be read in conjunction with Part 1 of the IPV Code.* |

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| SummaryThis MGN provides guidance for the owners of Intended Pleasure Vessels which are in temporary commercial use at sea on a single-voyage basis. It explains the term “Intended Pleasure Vessel” and acts as a signpost for the existence and location of Part 1 of the Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea (The IPV Code).The IPV Code is applicable to any UK Pleasure Vessel or non-UK Pleasure Vessel operating from UK ports while in UK waters. Use of Part 1 of the IPV Code disapplies Merchant Shipping Regulations for commercial use by using existing Regulations but only for a limited range of uses for business purposes on a temporary single-voyage basis. This is explained in this MGN.An explanation of the regulatory framework for Pleasure Vessels is provided in MGN xxx and is not the focus of this MGN. |

1. **Introduction to Intended Pleasure Vessels and Part 1 of the IPV Code**
	1. When a vessel is wholly owned by an individual or individuals and at the time it is in use it is not “**used only for the sport or pleasure of the owner or the immediate family or friends of the owner**” is used outside the definition of Pleasure Vessel and is therefore in commercial use.
	2. When a vessel is owned by a body corporate and at the time it is in use it is not “**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**” is used outside the definition of Pleasure Vessel and is therefore in commercial use.
	3. When a vessel is not “**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**” it is used outside the definition of Pleasure Vessel and is therefore in commercial use.
	4. In some circumstances vessels owned by a Members’ Club may fall within the definition of Pleasure Vessel. The full definition should be studied to be certain.
	5. The MCA has developed a simple framework for achieving temporary commercial compliance for the duration of the activity for use in connection with certain temporary business purposes. This does not include charter. The new framework is set out in Part 1 of a Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea (referred to as the IPV Code) which is an addendum to the existing Small Commercial Vessel Codes and uses the same underpinning regulations.
	6. A Pleasure Vessel owner whose vessel will temporarily be in commercial use (outside the Pleasure Vessel definition) at sea by the owner, a manufacturer, a broker, a surveyor, or a 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 should make sure that the person or company operating their vessel at sea has a means to comply with the IPV Code or an alternative UK commercial seagoing standard. For the majority of vessels temporarily in commercial use at sea, all that is required is for the operator of the vessel to have a simple safety management system in place, and to self-declare that the vessel meets the standards of the IPV Code.
	7. Any vessel owner unsure about whether their use of the vessel at sea may be within or outside the Pleasure Vessel definition should seek independent legal advice after studying the guidance published by the MCA, RYA and British Marine.
	8. Any owner, manufacturer, broker, surveyor, or repairer taking vessels to sea in use for business purposes (outside the definition of Pleasure Vessel) 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 should have in place a means of demonstrating compliance with the IPV Code as an Operator. The MCA, British Marine and the YBDSA can provide guidance on how to achieve this.
	9. The IPV Code is a standalone document not attached to this MGN – it is available on the gov.uk website at the following location [INSERT LINK].
	10. An Intended Pleasure Vessel means for Part 1 of the IPV Code 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 or mid-survey sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose.
	11. Single-voyage Basis means for Part 1 of the IPV Code 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.
	12. 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 IPV Code 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 indeed 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 operations is merely affiliated (through employment) to the Operator, particularly where the Operator is a Body Corporate.
2. **Certification Arrangements**

2.1 For Part 1 of the IPV Code 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 area from the departure point are only required to comply with self-declaration certification arrangements. A record of the number of movements of Intended Pleasure Vessel movements needs to be recorded by the vessel Operator in order for the Code of Practice Certificate to be valid.

2.2 For Part 1 of the IPV Code the Operator will also need a DSM audit and certification 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 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.

2.3 For Part 1 of the IPV Code an Operator using an Intended Pleasure Vessel in temporary commercial use at sea on a single-voyage basis but **not** in excess of the criteria for DSM audit and certification listed in paragraphs 2.1 and 2.2 should comply with the requirements of the IPV Code of Practice and self-declaration certificate on each occasion before the vessel puts to sea. All such self-declaration certifications 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 the IPV Code or notify self-declaration certification with the MCA. Race Support Boats meeting the requirements of Part 2 of the Code of Practice also need only complete a Self-declaration Certificate. To comply with SI 1998/2771 and SI 1998/1906, the self-declaration Certificate (once completed by the Operator) is to be displayed in some conspicuous place on board; or, if this is not reasonably practicable, is to be available for inspection onboard.

2.4 For Part 1 of the IPV Code Operators that exceed the criteria for DSM audit and certification listed at paragraphs 2.1 and 2.2 should set up their safety management system in accordance with the IPV Code and then apply to the MCA for a DSM audit. The audit will be chargeable. The Operator then operates with a self-declaration certificate in accordance with the IPV Code 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.

2.5 Vessel owners always have the option of applying to the MCA for single voyage Load Line Exemption(s) on a case by case basis (or certification to the Small Commercial Vessel Codes of Practice) and not using the IPV Code.

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

1. **General Criteria for Compliance**

3.1 To comply with Part 1 of the IPV Code, **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 the IPV Code, this is to be recorded on the Certificate;

• verify that each vessel used and Certificated to Part 1 of the IPV Code 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 the IPV Code;

• ensure that the Conditions of Compliance at Section 6 of Part 1 of the IPV Code are met for every voyage or operation using Part 1 of the IPV Code;

• advise the MCA of any changes that affects compliance with Part 1 of the IPV Code (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 the IPV Code, 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 the IPV Code carry a maximum of 12 Passengers, and no more than 15 persons in total.

3.2 Both the Owner and Master of the vessel, if they are not also the Operator, are responsible for making sure the Operator complies with the IPV Code. The self-declaration certificate Annexed to the Code includes signature sections for both the Operator and the Owner, which must be completed before operation under the Code can commence.

**More Information**

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