**Maritime and Coastguard Agency Log**

**XXX (****)**

|  |
| --- |
| **Intended Pleasure Vessels - Temporary Commercial Use at Sea - Race Support Boats**  Notice to all builders, owners, surveyors, repairers, and skippers of Pleasure Vessels.  *This Marine Guidance Note should be read in conjunction with Part 2 of the IPV Code.* |

|  |
| --- |
| Summary This MGN provides guidance for the owners of Intended Pleasure Vessels which are in temporary commercial use at sea as a race support boat. It explains the term “Intended Pleasure Vessel” and acts as a signpost for the existence and location of Part 2 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 2 of the IPV Code disapplies Merchant Shipping Regulations for commercial use by using existing Regulations but only for 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.  Part 2 of the IPV Code provides a standard for small (<8m) Intended Pleasure Vessels used for no more than ten uses per year 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.  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 Vessel and Part 2 of the IPV Code**

1.1 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.

1.2 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.

1.3 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.

1.4 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.

1.5 The MCA has developed a simple framework for achieving temporary commercial compliance for the duration of the activity for use as a Race Support Boat for Race Support Activities. This does not include charter. The new framework is set out in Part 2 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. Part 2 of the IPV Code also acts as best practice guidance for other uses of Race Support Boats (for example for use by Race Support Boat Owners where the vessel is operated within the Pleasure Vessel definition).

1.6 A Pleasure Vessel owner whose vessel will temporarily be in commercial use (outside the Pleasure Vessel definition) at sea as a Race Support Boat has the option of using Part 2 of the IPV Code as a means of compliance with commercial requirements on a temporary basis where no survey or inspection is required but the Owner and Operator take responsibility for compliance and self-certification. This is limited to ten uses per calendar year.

1.7 The application of Part 2 of the IPV Code does not include any Race Support Activities beyond 3 miles from the UK Coastline and it does not include any Race Support Activities beyond: -

a) transition to the Race Course Area(s) as defined by the Notice of Race, and

b) movements as directed by the Race Committee as defined by the Notice of Race.

1.8 Race Support Boats used beyond the scope of application of Part 2 of the IPV Code should instead be Certificated to an alternative and appropriate Code of Practice or operate entirely within the definition of Pleasure Vessel.

1.9 The user of the vessel is termed the “Operator” and has responsibilities for equipping and maintaining the vessel according to Part 2 of the 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 the IPV Code, and both the Owner and the Master (where they are not the Operator) are responsible for ensuring the Operator complies with Part 2 of the IPV Code.

1.10 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 or the RYA.

1.11 Any owner of a Pleasure Vessel wishing to use it as an Intended Pleasure Vessel in temporary commercial use at sea as a Race Support Boat should have in place a means of demonstrating compliance with Part 2 of the IPV Code as an Operator. The MCA or RYA can provide guidance on how to achieve this.

1.12 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].

1.13 An Intended Pleasure Vessel for Part 2 of the IPV Code 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.

1.14 Single-voyage Basis means for Part 2 of the IPV Code 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.

1.15 Race Support Boat means for Part 2 of the IPV Code a vessel used for Race Support Activities in a race affiliated to the National Governing Body of Sport.

1.16 Race Support Activities means for Part 2 of the IPV Code 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.

1.17 It is important to stress that in the underpinning Statutory Instruments (SI1998/2771 and SI1998/1906) 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.

1. **Certification Arrangements**

2.1 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 operation 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.

2.2 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.

2.3 Part 2 of the IPV Code 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 the IPV Code 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.

2.4 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.

2.5 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 Criteria for Compliance**
   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 the IPV Code, this is to be recorded on the Certificate;

• verify that each vessel used and Certificated to Part 2 of the IPV Code 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 the IPV Code are met for every voyage or operation using Part 2 of the IPV Code;

• ensure that each Race Support Boat is operated within the limits of scope of Part 2 of the IPV Code, 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 the IPV Code carry a maximum of 6 Passengers, and no more than 10 persons in total.

**More Information**

Marine Technology Branch

Maritime and Coastguard Agency,

Bay 2/23

Spring Place,

105 Commercial Road,

Southampton,

SO15 1EG.

Tel : +44 (0) 203 81Insert extension.

e-mail: PleasureVessels@mcga.gov.uk.

Website Address: [www.gov.uk/government/organisations/maritime-and-coastguard-agency](http://www.gov.uk/government/organisations/maritime-and-coastguard-agency) .

General Enquiries: [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)

File Ref: MS 010/069/0010

Published: Printers to Insert

Please note that all addresses and

telephone numbers are correct at time of publishing.

© Crown Copyright 2018

***Safer Lives, Safer Ships, Cleaner Seas.***