

R ecreational Craft

*Recreational Craft Regs 1996: 1353 & CA
as amended by 1998: 116
Powers under CPA*

Offences involve placing on the market: not restricted to trade or business

Definitions

- 1). **Recreational craft** means any type of boat, however propelled.
- 2). **In these notes, 'craft'** includes partly completed craft.

Application

- 1). **Applies** to any of the following **components**, whether they are separate or installed, intended for use in craft:

- ♣ ignition-protected equipment for inboard and stern drive engines,
- ♣ start-in-gear protection devices for outboard engines,
- ♣ steering wheels, steering mechanisms and cable assemblies,
- ♣ fuel tanks and fuel hoses,
- ♣ prefabricated hatches and portlights,

and recreational craft,

- ♣ whose hull is 2½ - 24 metres long (inclusive), **and**
- ♣ which is intended for sports or leisure use,

even if it *could* be used for charter or recreational boating training when it is placed on the market for recreational purposes.

- 2). **Does not apply to**

- ♣ any craft or component first placed on the market before 16th June 1996,
- ♣ any craft or component placed on the market before 17th June 1998 which complies with any safety provisions in force on 16th June 1994. (However, they **do** apply if
 - ♥ it bears a CE mark, or a mark similar to a CE mark (**unless** it is **required** by Community law to have a CE mark), **or**
 - ♥ it bears, or is accompanied by, any indication that it complies with the Recreational Craft Directive),
- ♣ any craft or component at a trade fair, exhibition, demonstration etc if a visible sign clearly indicates that the craft must not be placed on the market until it complies with them,
- ♣ craft intended solely for racing, including rowing- and training-racing craft labelled as such by the manufacturer,
- ♣ canoes, kayaks, gondolas and pedalos,
- ♣ sailing surfboards,
- ♣ powered surfboards, personal watercraft, and other similar powered craft,
- ♣ original, and individual replicas of, historical craft designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer,
- ♣ experimental craft, provided that they are not subsequently placed on the Community market,
- ♣ craft built for own use, provided they are not subsequently placed on the Community market within 5 years (**NB:** they would be

caught by gpr if sold in the course of a trade or business *after* 5 years),

- ♣ craft specifically intended to
 - ♥ be crewed, **and**
 - ♥ carry passengers for commercial purposes, in particular inland waterway vessels defined in 82/716/EEC, regardless of the number of passengers,
- ♣ submersibles,
- ♣ air cushion vehicles,
- ♣ hydrofoils.

Safety

1). Components and craft must satisfy the essential safety requirements (any relevant ones at that stage, in the case of partly completed craft) (see 'Essential Safety Requirements').

2). **Except** for

- ♣ partly completed craft,
- ♣ components intended to be incorporated into craft which are the subject of a declaration by the manufacturer, his authorised representative in the EC, or (if it comes from outside the EC) the person responsible for placing on the EC market, which gives
 - ♥ the name and address of the builder,
 - ♥ the name and address of the representative of the builder established in the EC, **or** the person responsible for the placing on the market,
 - ♥ a description of the component, **and**
 - ♥ a statement that the component complies with the essential safety requirements,

(in which case the CE marking must indicate that the component only complies with the essential safety requirements which are relevant to it),

the

- ♣ CE marking must have been affixed to it (**or** its packaging, in the case of a component), in accordance with the rules on CE marking (*see below*),
 - ♣ appropriate conformity assessment procedure must have been carried out by
 - ♥ the manufacturer, **or**
 - ♥ the manufacturer's authorised representative in the EC,
- except** that where an
- ♥ internal production control,
 - ♥ EC type-examination, **or**
 - ♥ conformity to type

procedure is part of, or is, the appropriate conformity assessment procedure, **and** the person placing the product on the market is neither the manufacturer, nor the manufacturer's authorised representative in the EC, *the person who places the product on the market* must retain the technical documentation which is required as part of the conformity assessment procedure.

- 3). In the case of a partly completed craft, the manufacturer, his authorised representative in the EC, **or** the person responsible for the placing on the market, must make a declaration which contains
- ♣ the name and address of the builder,
 - ♣ the name and address of the representative of the builder established in the EC, or the person responsible for the placing on the market,
 - ♣ a description of the partly completed craft, **and**
 - ♣ a statement that the partly completed craft is intended to be completed by others, **and** that it complies with the essential safety requirements that apply at this stage of construction.
- 4). Craft and components must not endanger the safety and health of people, property or the environment when constructed, maintained and used as intended.

CE Marking

- 1). The CE mark, which must be affixed to completed craft and components which meet the essential safety requirements, must
- ♣ be at least 5mm high,
 - ♣ be accompanied by the last two figures of the year the CE mark was affixed,
 - ♣ be visible, legible and indelible,
 - ♣ be affixed by the manufacturer, or his authorised representative in the EC,
 - ♣ in the case of craft, be on a permanently affixed plate (mounted separately from the boat hull identification number), which must also contain
 - ♥ the manufacturer's name,
 - ♥ the boat design category (*see below*),
 - ♥ the manufacturer's maximum recommended load,
 - ♥ the number of people recommended by the manufacturer which the boat was designed to carry when under way,
 - ♣ in the case of components, be on the component, its packaging, or both,
 - ♣ be accompanied by the identification number of the notified body if it intervenes in the control of production,
 - ♣ indicate that the product also fulfils the provisions of any other CE marking directives, if it does, **and**, if in a transitional period, indicate that the product fulfils the provisions only of the directive(s) applied by the manufacturer (particulars of which must be given in the accompanying documents, notices or instructions),
- 2). No person may affix any markings or inscriptions which might
- ♣ mislead third parties about the meaning or form of the CE marking
 - ♣ make the CE mark less visible or legible.

Boat Design Categories

A - Ocean - extended voyages, vessels largely self-sufficient

B - Offshore - offshore voyages

C - Inshore - coastal waters, large bays, estuaries, lakes, rivers

D - Sheltered waters - small lakes, rivers, canals

Appropriate Conformity Assessment Procedure

<u>Design Category</u>	<u>Attestation Procedure</u>		
	<u>Hull Length</u>		
	2½ - 6m	6-12m	12 - 24m
A	Aa		B+C B+D B+F G H
B	Aa		B+C B+D B+F G H
C	A or Aa*		B+C B+D B+F G H
D	A		
Components	B+C B+D B+F G H		

Key:

*Procedure A if the harmonised standard relating to stability and freeboard is complied with; procedure Aa if it is not.

- A - Internal production control (self certification) *(see regs, Sch 5)*
- Aa - A, plus some testing - stability and buoyancy *(see regs, Sch 6)*
- B - EC type-examination *(see regs, Sch 7)*
- C - Conformity to type *(see regs, Sch 8)*
- D - Production Quality Assurance *(see regs, Sch 9)*
- F - Product verification *(see regs, Sch 10)*
- G - Unit verification *(see regs, Sch 11)*
- H - Quality assurance *(see regs, Sch 12)*

Essential Safety Requirements

The following can be checked by visual inspection:

- ♣ craft must be marked with a hull identification number, including
 - ♥ the manufacturer's code,
 - ♥ the country of manufacture,
 - ♥ a unique serial number,
 - ♥ the year of production,
 - ♥ the model year,

- ♣ (depending on the design category) craft must be designed to
 - ♥ minimise the risks of falling overboard,
 - ♥ facilitate reboarding,
- ♣ the main steering position in motor boats must have good all-round visibility,
- ♣ craft must be supplied with a manual written in English
 - ♥ drawing attention to the risks of fire and flooding,
 - ♥ containing
 - ◆ the information on the builder's plate,
 - ◆ the maximum recommended load,
 - ◆ the maximum rated engine power,
 - ◆ the unladen weight,
- ♣ craft must be designed to minimise the risk of sinking. The following must be considered:
 - ♥ cockpits and wells, which must be self-draining or have other means of keeping water out of the boat interior,
 - ♥ ventilation fittings,
 - ♥ removal of water by pumps or other means,
- ♣ craft of categories A and B, and craft of categories C and D longer than 6 metres, must have at least one stowage point for liferaft(s) large enough to hold the maximum number of people the craft is designed to carry. These point(s) must be readily accessible at all times,
- ♣ habitable multihull craft over 12 metres long must have a viable means of escape if it turns over,
- ♣ habitable craft must have a viable means of escape in the event of fire,
- ♣ (depending on design category and characteristics) craft must have at least one strong point or other means of safely accepting anchoring, mooring or towing loads,
- ♣ inboard mounted engines must be
 - ♥ in an enclosure separated from the living quarters,
 - ♥ installed so as to minimise the
 - ◆ risks, or spread, of fires,
 - ◆ hazards from toxic fumes, heat, noise or vibrations in the living quarters,
- ♣ engine parts and accessories which require frequent inspection and/or servicing must be readily accessible,
- ♣ the insulating materials inside engine spaces must be non-combustible,
- ♣ the following must be ventilated:
 - ♥ engine compartment,
 - ♥ tank spaces,
 - ♥ battery compartments (to prevent the accumulation of gases which might be emitted),
- ♣ the dangerous ingress of water into the engine compartment through all inlets must be prevented,
- ♣ **unless** the engine is covered or enclosed, exposed moving or hot parts of the engine which could injure, must be shielded,
- ♣ the filling, storage, venting and fuel supply arrangements must be designed and installed to minimise the risk of fire and explosion,

- ♣ fuel tanks, lines and hoses must be protected from heat,
- ♣ liquid fuel with a flash point below 55°C must be kept in tanks which do not form part of the hull, **and** are
 - ♥ insulated from the engine compartment and from all other sources of ignition, **and**
 - ♥ separated from living quarters,
- ♣ batteries must be firmly secured and protected from ingress of water,
- ♣ gas appliances must
 - ♥ have a flame-failure device,
 - ♥ be controlled by a separate closing device, **and**
 - ♥ be adequately ventilated to prevent hazards from leaks and other products of combustion,
- ♣ craft with a permanently installed gas system must have an enclosure to contain all gas cylinders, which is
 - ♥ separated from the living quarters,
 - ♥ accessible only from the outside, **and**
 - ♥ ventilated to the outside so that any escaping gas drains overboard,
- ♣ craft must have suitable fire-fighting equipment,
- ♣ where fitted, portable fire extinguishers must be easy to reach from the main steering position,
- ♣ petrol engine enclosures must have a fire extinguishing system that avoids the need to open the enclosure in the event of fire,
- ♣ the accidental discharge of pollutants (oil, fuel etc) must be prevented,
- ♣ craft with toilets must have
 - ♥ holding tanks, **or**
 - ♥ provision to fit temporary holding tanks in areas of use where the discharge of human waste is restricted,
- ♣ through-the-hull pipes for human waste must be fitted with valves which can be sealed shut.

Technical Documentation

must

- ♣ enable understanding of the design, manufacture and operation of the product,
- ♣ enable assessment of conformity with the Directive,
- ♣ contain, so far as is relevant for assessment,
 - ♥ a general description of the type,
 - ♥ conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc,
 - ♥ descriptions and explanations to help understand those drawings and schemes and the operation of the product,
 - ♥ a list of the Standards applied,
 - ♥ descriptions of the solutions adopted to fulfil the essential requirements when the Standards have not been applied,
 - ♥ results of design calculations made, examinations carried out etc, **and**
 - ♥ test reports, or calculations on stability and buoyancy.

Written Declaration of Conformity

must

- ♣ accompany
 - ♥ the recreational craft, and be joined to the owner's manual,
 - ♥ the components,
- ♣ include, in English,
 - ♥ the business name and full address of the manufacturer or his authorised representative in the EC,
 - ♥ a description of the recreational craft or component (ie the product make, type, and serial number, where appropriate),
 - ♥ references to the relevant harmonised standards used, or references to the specifications in relation to which conformity is declared,
 - ♥ where appropriate,
 - ♦ reference to the EC type-examination certificate issued by the notified body,
 - ♦ the name and address of the notified body,
 - ♥ identification of the person empowered to sign on behalf of the manufacturer or his authorised representative in the EC.

Compliance Notice

- 1). **Except for** taking enforcement action
 - ♣ in respect of CE marked craft or components which endanger the health and safety of people, property or the environment, **or**
 - ♣ after the expiry of an enforcement notice,the only enforcement action which may be taken in respect of non-compliant products is the serving of a compliance notice on
 - ♣ the manufacturer or his authorised representative in the EC, **or**
 - ♣ where the manufacturer is established outside the EC, **and**
 - ♥ he has no authorised representative in the UK, **or**
 - ♥ his authorised representative in the UK is not the person who places the product on the market,the person who places it on the market in the UK.
- 2). The notice must
 - ♣ state that the craft or component does not comply,
 - ♣ give reasons for suspicions,
 - ♣ either
 - ♥ require the infringement to be rectified within a specified period, **or**
 - ♥ require evidence of compliance to be produced,
 - ♣ warn that further action may be taken if the notice is not complied with.
- 3). The notice may suggest how to comply.
- 4). TSOs must inform the Secretary of State if a craft or component is prohibited or restricted etc.