

R recreational Craft

*Recreational Craft Regs 2004: 1464 ECA
as amended by 2004: 3201
Powers under CPA*

Offences involve placing on the market which includes putting into service: not restricted to trade or business*

Time limit: 12 months from commission

NB: Enforcement powers may be extremely limited. See Powers Edition

Definitions

1). **Component** means

- ♣ 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 intended for fixed installations and fuel hoses,
- ♣ prefabricated hatches and portlights,

intended for installation in recreational craft **or** personal watercraft.

2). **Personal Watercraft** means a vessel less than 4m long having an internal combustion engine with a water jet pump as its primary source of propulsion which is designed to be operated by a person(s) sitting, standing or kneeling on, rather than within the confines of, a hull.

3). **Recreational craft** means any type of boat, however propelled, with a hull 2½ to 24 metres long intended for sports or leisure.

Application

1). **Applies**

- ♣ with regard to design and construction - to
 - ♥ recreational craft and partly completed boats,
 - ♥ personal watercraft, **and**
 - ♥ components,

except for

- ♥ craft intended solely for racing, including rowing racing boats and training rowing boats, so labelled by the manufacturer,
- ♥ canoes and kayaks, gondolas and pedalos,
- ♥ sailing surfboards,
- ♥ surfboards, including powered surfboards,
- ♥ 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 that they are not subsequently placed on the Community market within 5 years, (**NB:** they would be caught by gpsr if sold in the course of a trade or business after 5 years),
- ♥ craft specifically intended to
 - ◆ be crewed, **and**

** the DTI intended that in these and in the 1996 regs 'placing on the market' meant 'first placing on the market'.*

- ◆ carry passengers for commercial purposes, in particular inland waterway vessels defined in 82/714/EEC, regardless of the number of passengers,
 - ♥ submersibles,
 - ♥ air cushion vehicles,
 - ♥ hydrofoils, **and**
 - ♥ external combustion steam powered craft, fuelled by coal, coke, wood, oil or gas,
- ♣ with regard to exhaust emissions - to propulsion engines
 - ♥ installed or specifically intended for installation on or in recreational craft and personal watercraft, **and**
 - ♥ installed on or in such craft that are subject to a major engine modification,

except for

 - ♥ propulsion engines installed or specifically intended for installation on
 - ◆ craft intended solely for racing and so labelled by the manufacturer,
 - ◆ experimental craft, provided that they are not subsequently placed on the Community market,
 - ◆ craft specifically intended to
 - ♣ be crewed, **and**
 - ♣ carry passengers for commercial purposes, in particular inland waterway vessels defined in 82/714/EEC, regardless of the number of passengers,
 - ◆ submersibles,
 - ◆ air cushion vehicles, **or**
 - ◆ hydrofoils,
 - ♥ original-, and individual replicas of-, historical propulsion engines, which are based on a pre-1950 design, not produced in series and fitted on
 - ◆ original, and individual replicas of, historical craft designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer,
 - ◆ craft built for own use, provided it is not subsequently placed on the Community market within 5 years, **or**
 - ♥ propulsion engines built for own use provided that they are not subsequently placed on the Community market during a period of five years, **and**
- ♣ with regard to noise emissions - to
 - ♥ recreational craft with stern drive engines without integral exhausts or inboard propulsion engine installations,
 - ♥ recreational craft with stern drive engines without integral exhausts **or** with inboard propulsion installations which are subject to a major craft conversion **and** subsequently placed on the Community market within five years of conversion,
 - ♥ personal watercraft, **and**
 - ♥ outboard engines and stern drive engines with integral exhausts intended for installation on recreational craft,

except for

- ♥ craft listed as exempt under exhaust emissions above, **and**
- ♥ craft built for own use, provided it is not subsequently placed on the Community market within 5 years,

and applies whether or not the recreational craft or partly completed recreational craft concerned *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 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,

- ♣ to any

- ♥ recreational craft, partly completed boat, personal watercraft or component, **or** any compression ignition or 4-stroke spark ignition engine placed on the market before 1st January 2006, **or**

- ♥ 2-stroke spark ignition engine placed on the market before 1st January 2007,

and which complies with any safety provisions in force on 16th June 2003, **except** where

- ♥ (unless it is required to bear the CE marking by any other Community obligation), it bears the CE marking or an inscription liable to be confused with it, **or**

- ♥ it bears, or is accompanied by, any other indication that it complies with the Recreational Craft Directive.

Safety

1). Products must satisfy the essential requirements (any relevant ones at that stage of construction, in the case of partly completed craft) (see 'Essential Safety Requirements'). **NB:** Where a transposed harmonised standard covers one or more of the essential requirements, a product which conforms with that standard must be presumed to comply with that / those essential requirements.

2). **Except** for

- ♣ partly completed craft,

- ♣ a component accompanied by a written declaration of conformity **and** intended to be incorporated into a recreational craft in accordance with a declaration made 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),

these requirements apply:

- ♣ the appropriate conformity assessment procedure must have been carried out
 - ♥ by the manufacturer,
 - ♥ by the manufacturer's authorised representative in the EC, **or**
 - ♥ in the case of post-construction assessment for recreational craft, if neither the manufacturer nor his authorised representative fulfils the responsibilities for the product's conformity to the Directive, these responsibilities can be assumed by any person established within the Community who places the product on the market under his own responsibility,

except that where an appropriate conformity assessment procedure has been carried out by the manufacturer or his authorised representative **and** 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, **and**

- ♣ in the case of recreational craft, watercraft and components, outboard engines and stern drive engines with integral exhaust – 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),

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). Products must not endanger the safety and health of people, property or the environment when constructed, maintained and used as intended.

5). In the case of inboard engines, stern drive propulsion engines without integral exhaust, and certain type-approved engines, where the manufacturer or his authorised representative makes a written declaration of conformity about exhaust emissions, that engine is deemed to satisfy the exhaust emission requirements.

CE Marking

1). The CE mark, which must be affixed to recreational craft, watercraft and components, outboard engines and stern drive engines with integral exhaust which meet the essential safety requirements, must

- ♣ be at least 5mm high,
- ♣ be visible, legible and indelible,
- ♣ be affixed by the manufacturer, or his authorised representative in the EC,
- ♣ in the case of recreational craft and personal watercraft - 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 excluding the weight of the contents of the fixed tanks when full, **and**
 - ♥ 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,
- ♣ in the case of outboard engines and stern drive engines with an integral exhaust - be marked on the engine together with
 - ♥ the engine manufacturer's trademark or trade-name,
 - ♥ the engine type, engine family, if applicable, **and**
 - ♥ a unique engine identification number,which marks must be
 - ♥ durable for the normal life of the engine, clearly legible and indelible. If labels or plates are used, they must be attached in such a manner that the fixing is durable for the normal life of the engine, **and** unable to be removed without destroying or defacing them,
 - ♥ secured to an engine part necessary for normal engine operation and not normally requiring replacement during the engine life, **and**
 - ♥ readily visible,
- ♣ 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 or parts thereof to which it is subject, if it does, **and**, if the manufacturer applies one or more of those directives, or parts thereof, indicate which ones (particulars of which must be given in the accompanying documents, notices or instructions),
- ♣ in the case of post-construction assessment for recreational craft, where neither the manufacturer nor his authorised representative established within the Community fulfils the responsibilities for the product's conformity to the Directive, and these are assumed by any person established within the Community who places the product on the market under his own responsibility - be affixed by that person on the product together with the distinguishing number of the relevant notified body in a visible, legible and indelible form.

- 2). No person may affix any markings or inscriptions which might
- ♣ mislead third parties about the meaning or form of the CE marking, **or**
 - ♣ 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, sheltered coastal waters, small bays.

Essential Requirements

The following can be checked by visual inspection:

- ♣ craft must be marked with an 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,
 - ♥ containing, in the case of recreational craft with inboard engine or stern engines with or without integral exhaust, and personal watercraft, **and** outboard engines - information necessary to keep the noise emitted within specified values,
- ♣ 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, **and**
 - ♥ 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, **and**
 - ◆ 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, **and**
 - ♥ 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,
- ♣ personal watercraft must have an automatic engine cut-off **or** an automatic device to make it go forward slowly in a circle when the driver dismounts deliberately or falls overboard,
- ♣ 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,
- ♣ petrol 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,
- ♣ diesel may be kept in tanks which are integral with the hull,
- ♣ 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 not be put into service until
 - ♥ fire fighting equipment is fitted which is appropriate, **or**
 - ♥ the position and capacity of fire fighting equipment appropriate to the hazard is indicated,

- ♣ 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 holding tanks,
- ♣ craft with permanently installed holding tanks must have a standard discharge connection so that pipes of reception facilities can be connected with the craft discharge pipeline,
- ♣ any through-the-hull pipes for human waste must be fitted with valves which can be secured in the closed position,
- ♣ propulsion engine exhaust emissions must not exceed the values set out in the regulations,
- ♣ the manufacturer of a propulsion engine must supply installation and maintenance instructions to ensure that it complies with the exhaust emission requirements throughout its normal life,
- ♣ a propulsion engine must be provided with an owner's manual giving instructions for installation and maintenance and specifying the power of the engine,
- ♣ recreational craft with inboard or stern drive engines without integral exhaust, personal watercraft, outboard engines and stern drive engines with integral exhaust must be designed, constructed and assembled so that noise emissions do not exceed the values set out in the regulations.

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,
 - ♥ test reports, or calculations on stability and buoyancy,
 - ♥ exhaust emissions test reports, **and**
 - ♥ sound emissions test reports or reference boat data showing compliance with noise emission level requirements.

Written Declaration of Conformity

must

- ♣ accompany
 - ♥ the recreational craft and the personal watercraft and be included with the owner's manual,
 - ♥ the recreational craft and be joined to the owner's manual,
 - ♥ the components,
 - ♥ propulsion engines **and** be included with the owner's manual,
- ♣ 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 (ie the product make, type, and serial number, where appropriate),
 - ♥ references to the relevant harmonised standards used, **or** references to the specifications for which conformity is declared,
 - ♥ where appropriate,
 - ◆ the references of the other Community Directives applied,
 - ◆ 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.

and in the case of

- ♥ inboard engines and stern drive propulsion engines without integral exhaust, **and**
- ♥ certain type-approved engines

must also include a manufacturer's statement that the engine will meet the exhaust emission requirements, when installed in a recreational craft, in accordance with the manufacturer's supplied instructions **and** that the engine must not be put into service until the recreational craft into which it is to be installed has been declared in conformity, if so required, with the Directive.

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 product does not comply,
- ♣ state which provisions it does not comply with,
- ♣ 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.