



MERCHANT SHIPPING (PLEASURE VESSEL) REGULATIONS 2003

Approved by Tynwald: 16th July 2003

Coming into operation : 1st August 2003

In exercise of the powers conferred on the Department of Trade and Industry by the enactment's specified in Schedule 1 to these Regulations, and of all other enabling powers, after consultation with the Secretary of State and those persons referred to Section 2 (2) of the Merchant Shipping Act 1985 the following Regulations are hereby made:-

Citation and commencement and revocation

1. (1) These Regulations may be cited as the Merchant Shipping (Pleasure Vessel) Regulations 2003 and shall come into operation on 1st August 2003.

(2) The remaining parts of the Merchant Shipping (Yachts in Commercial Use) Regulation 1993¹ are revoked.

Amendment to SD 500/96², SD 352/99³, SD 50/99⁴, SD 421/98⁵ and SD 627/00⁶

2. Insert at:

- (a) Regulation 1 (2) of SD 500/96 and SD 352/99;
- (b) Regulation 2 of SD 50/99; and
- (c) Regulation 2(1) of SD 421/98 and SD 627/00

““Pleasure Vessel” means any vessel which at the time it is being used:

¹ SD 248/93

² SD 500/96 Fishing Vessels (Medical Stores) Regulations 1996

³ SD 352/99 Merchant Shipping (Survey and Certification) Regulations 1999

⁴ SD 50/99 Merchant Shipping (Radio Installations) Regulations 1999

⁵ SD 421/98 Merchant Shipping (ISM Code) Regulations 1998

⁶ SD 627/00 Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 2000

Text includes amendments made by:

SD 269/04 Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004;

SD2014/0238 Merchant Shipping (Manning and STCW) Regulations 2014

SD2014/0415 Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014

“Pleasure Vessel” means any vessel which at the time it is being used:

- (a) is wholly owned by an individual or individuals, and is used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
- (b) is owned by a body corporate, and is carrying only such persons as are the employees or officers of the body corporate, or their immediate family or friends; and
- (c) is on a voyage or excursion which is one for which the owner does not receive money or money’s worth for or in connection with the operation of the vessel or the carrying of any person other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the owner; or
- (d) is owned by a body corporate but pursuant to a long term lease agreement, is used only for the sport or pleasure of the lessee, and the immediate friends or family of the lessee, if an individual, or the employees or officers and their immediate friends and family, if a corporate lessee. Such lease agreement must specify that:
 - (i) the vessel may only be used for private purposes and must not be used for commercial purposes;
 - (ii) the vessel must not be sub-leased or chartered, and
 - (iii) no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the lessee.
- (e) is wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure, and 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 any charges levied in respect of that use are paid into club funds and applied for the general use of the club, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the club.”

Amendment to references

3. For all references contained in SD 500/96⁷, SD 352/99⁸, SD 50/99⁹, SD 421/98¹⁰ and SD 627/00¹¹ including where the reference is contained in the title of the Regulations there shall be substituted references to pleasure vessels.

⁷ SD 500/96 Fishing Vessels (Medical Stores) Regulations 1996

⁸ SD 352/99 Merchant Shipping (Survey and Certification) Regulations 1999

⁹ SD 50/99 Merchant Shipping (Radio Installations) Regulations 1999

¹⁰ SD 421/98 Merchant Shipping (ISM Code) Regulations 1998

¹¹ SD 627/00 Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 2000

Amendment to SD 50/99, SD 352/99 and SD 627/00

4. (1) Omit from SD 50-99 at Regulation 3 (2) (c) “within the meaning of the Merchant Shipping Yachts in Commercial Use Regulations 1993⁵”

(2) Omit from SD 352-99 at Regulation 2 (2) (c) “as defined by regulation 3 of the Merchant Shipping (Vessels in Commercial Use) Regulations 1993^(f)”

(3) Omit from SD 627-00 at Regulation 2 (1) (b) in the definition of Cargo Ship “within the meaning of regulation 3 of the Merchant Shipping (Yachts in Commercial Use) Regulations 1993^(c)”

Amendment to SD 723/96¹²

5. Omit from Part 10 of SD 723/96 the definition -

““pleasure vessel ” means a pleasure yacht not engaged in trade”

Definition of Pleasure Yachts, Pleasure Craft or Pleasure Vessel in certain Merchant Shipping Legislation

6. For the definition of Pleasure Yacht, Pleasure Craft or Pleasure Vessel as the case may be in the Regulations listed in Schedule 1 there shall be substituted the following:

“Pleasure Vessel” means any vessel which at the time it is being used:

(a) is wholly owned by an individual or individuals, and is used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(b) is owned by a body corporate, and is carrying only such persons as are the employees or officers of the body corporate, or their immediate family or friends; and

(c) is on a voyage or excursion which is one for which the owner does not receive money or money’s worth for or in connection with the operation of the vessel or the carrying of any person other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the owner; or

(d) is owned by a body corporate but pursuant to a long term lease agreement, is used only for the sport or pleasure of the lessee, and the immediate friends or family of the lessee, if an individual, or the employees or officers and their immediate friends and family, if a corporate lessee. Such lease agreement must specify that:

¹² SD 723/96 Merchant Shipping (Manning and Training) (Amendment) Regulations

- (i) the vessel may only be used for private purposes and must not be used for commercial purposes;
 - (ii) the vessel must not be sub-leased or chartered, and
 - (iii) no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the lessee.
- (e) is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure, and 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 any charges levied in respect of that use are paid into club funds and applied for the general use of the club, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the club.”

Amendment to references contained within the Regulations listed in Schedule 1

7. For all references contained in the Regulations listed in Schedule 1, including where the reference is contained in the title of the Regulations there shall be substituted references to pleasure vessels.

Made: 12th June 2003

Alex F. Downie,

Minister for Trade and Industry.

Regulations made under sections 1, 2 and 5 of the Merchant Shipping Act 1985 in which the definition of “pleasure vessel ” is amended.

Title	SD No.	Regulation containing definition of pleasure vessel which is amended.
Merchant Shipping (Pleasure Craft) (Lists of Crew) Regulations 1989	122/89	2
Merchant Shipping (Code of Safe Working Practices) Regulations 1989	152/89	1(2)
Merchant Shipping (Hatches, Hold Access and Lifting Plant) Regulations 1989	279/89	2
Merchant Shipping (Means of Access) Regulations 1989	280/89	2
Merchant Shipping (Provisions and Water) Regulations 1990	34/90	2
Merchant Shipping (Life Saving Appliances) (Ships Built before 1st July 1986) Regulations 1991	273/91	1(2)
Merchant Shipping (Safety Provisions) (Application) Order 1993	247/93	Schedule
Merchant Ship (Cargo Ship Construction) Regulations 1998	603/98	2 (1)
Merchant Shipping (Radio Installations) Regulations 1999	50/99	2
Merchant Shipping (Life Saving Appliances) Regulations 1999	431/99	2 (1)
Merchant Shipping (Load Line) Regulations 2000	492/00	1 (2)
Merchant Shipping (Medical Stores) Regulations 2001	735/01	2 (1)

Regulations made under sections 4, 6, 8, 9, 10, 13, 17, 38, 44, 46, 47, 48, 60 and 76 of the Merchant Shipping Registration Act 1991 in which the definition of “pleasure vessel ” is amended.

Title	SD No.	Regulation containing definition of pleasure vessel which is amended.
Merchant Shipping Registration Regulations	689/96	2
Merchant Shipping (Tonnage) Regulations 1998	513/98	2

Regulations made under section 34A of the Masters and Seamen Act 1979 in which the definition of “pleasure vessel ” is amended.

Title	SD No.	Regulation containing definition of pleasure vessel which is amended.
Merchant Shipping (Manning and Training) Regulations 1996	723/96	3

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of a Pleasure Vessel where it is found in Isle of Man Secondary Regulations. The purpose of this measure is to allow vessels which are purchased on a leasehold basis to fall within the definition of a Pleasure Vessel. The existing definition of a pleasure vessel does not strictly cover this type of financial arrangement as the owner of the vessel (the lessor), is the legal owner but receives funds which are not a direct contribution to the expense of running the ship.

The amended definition requires the lessor to include a clause in the lease agreement that the vessel will only be used as a pleasure vessel by the lessee. It is the intention that the amendment will only impact on the financial mechanism and not on the use of the vessel as a pleasure vessel.

This measure also replaces all references to Pleasure Craft and Pleasure Yachts in Manx Regulations with the term "Pleasure Vessel" (except in the Registration of Pleasure Craft Act 1974, and Regulations made under it where the term Pleasure Craft and its definition as it is contained in the Act remains).

AMENDMENTS

These Regulations have been subsequently amended by:

SD 269/04 Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004 which omit from Schedule 1 references to regulations revoked by SD269/04. The regulations omitted from Schedule 1 are SD 369/92, SD 625/97 and 729/99.

SD2014/0238 Merchant Shipping (Manning and STCW) Regulations 2014 which omit from Schedule 1 references to regulations which have been revoked. The regulations omitted from Schedule 1 are GC121/89 and SD757/02

SD2014/0415 Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014 which omit from Schedule 1 reference to regulations which have been revoked. The regulations omitted from Schedule 1 are SD865/02.