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REGISTRATION OF PLEASURE CRAFT (NO.2) REGULATIONS 2017

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Statutory Document No. 2017/0237

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Harbours Act 2010

REGISTRATION OF PLEASURE CRAFT (NO.2) REGULATIONS 2017¹

Approved by Tynwald: 17 October 2017
Coming into Operation: In accordance with article 2

The Department of Infrastructure makes the following Regulations under section 54 and 82 of the Harbours Act 2010.

1 Title

These Regulations are the Registration of Pleasure Craft (No.2) Regulations 2017.

2 Commencement

These Regulations come into operation the day after they have been approved by Tynwald¹.

3 Interpretation

In these Regulations —

“**certificate of registration**” means the certificate or log book issued by the Department upon registration of a pleasure craft in accordance with regulation 5.

“**the Pleasure Craft Regulations**” means the Registration of Pleasure Craft Regulations 2017²;

“**the prescribed fee**” means the appropriate fee specified in Schedule 5 to these Regulations;

“**the register**” means the register of pleasure craft kept in accordance with regulation 4(3);

“**the registrar**” means the registrar of pleasure craft and includes an Assistant Registrar appointed in accordance with regulation 4(2);

¹ Tynwald approval is required under section 54(3) of the Harbours Act 2010.

² SD 2017/ 0136

4 Port of registry and registrars

- (1) The port of registry for pleasure craft is Douglas and the distinguishing mark for pleasure craft registered at that port is the symbol specified in paragraph 1 of Schedule 1.
- (2) The Department must appoint one of its officers to be the registrar of pleasure craft and may appoint one or more officers to act as assistant registrars.
- (3) A consecutive number register of pleasure craft must be kept at the port of registry in a form approved by the Department.

5 Registration

- (1) The owner of any pleasure craft to which Part 3 of the Harbours Act 2010 applies must make an application to have that craft entered in the register —
 - (a) within 3 months from the commencement of these Regulations; or
 - (b) within 3 months of taking ownership of the craft,whichever is the later, and must obtain for every craft belonging to him or her a certificate of registration in accordance with these Regulations.
- (2) The application must be made to the registrar on a form supplied by the Department, and given the particulars required by the form, and accompanied by the prescribed fee.
- (3) New applications must be accompanied by the following documents—
 - (a) a bill of sale, or other proof of ownership relating to the pleasure craft;
 - (b) an acceptable form of identification of the applicant, as listed in Schedule 2;
 - (c) an acceptable form of proof of address of the applicant, as listed in Schedule 3;
 - (d) the certificate of insurance relating to the craft.
- (4) The registrar, on the receipt of the application, must assign a number to the pleasure craft, and after receiving certificates as to the dimensions and livery of the craft, and having no reason to doubt the correctness of the particulars contained in the application, must cause the craft to be registered, and must issue a certificate of registration to the applicant.
- (5) The certificate of registration must contain the particulars listed in Schedule 4.

6 Measurements

- (1) Every pleasure craft must, before registration, be measured by the registrar or another duly appointed officer of the Department, and the dimensions ascertained in accordance with paragraph (2).
- (2) When measuring a pleasure craft, the registrar or another appointed officer must measure the length from the fore part of head to stern, to after part of head of stern post or after part of transom or tuck. The registrar must then measure the greatest breadth of the vessel to the outside of the outer planking.
- (3) The ascertained dimensions must be set out in the certificate of registration.
- (4) Where a pleasure craft is not measured by the registrar, the officer who measures that craft must issue a certificate specifying the dimensions of the craft and that certificate must be delivered to the registrar before the craft is registered.

7 Pleasure craft markings

- (1) The symbol prescribed in paragraph 1 of Schedule 1 and the number assigned to the pleasure craft must, at all times, be effectively displayed and renewed when required.
- (2) After registration, the number assigned to the pleasure craft must be affixed by the owner to the pleasure craft (within a period of 7 days following the date of registration) in such places and in such manner as the registrar may direct, and must comply with paragraph 2 of Schedule 1.
- (3) Every small boat carried by, or attached to, any pleasure craft as a tender must be marked by the owner with the same symbol and number as the craft to which it belongs and must be so marked as to be easily distinguished.

8 Production of certificates

- (1) The owner of a pleasure craft must submit the certificate of registration of his or her craft for examination to the registrar (or other officer empowered by these Regulations to receive applications for registration) when required to do so.
- (2) The registrar or other officer must endorse his or her name on the certificate of registration, together with the date of examination.

9 Change of ownership

- (1) In the event of a change of ownership of a pleasure craft, the former owner must —

- (a) deliver to the new owner the section of the certificate of registration marked RPC1 issued in respect of the pleasure craft; and
 - (b) deliver to the registrar the section of the certificate of registration marked RPC2 notifying the registrar the change of ownership.
- (2) On such a change of ownership, the new owner must complete and submit a form, supplied by the Department together with the section marked RPC1 of the certificate of registration, within 7 days of purchasing the pleasure craft, to the registrar for the entry of his or her name into the register as the new owner.
- (3) An application under paragraph (2) must be accompanied by —
- (a) the certificate of registration;
 - (b) the documents listed in regulation 5(3); and
 - (c) the prescribed fee.
- (4) After recording the change of ownership in the register, the registrar must issue a new certificate of registration to the new owner within 7 days.

10 Change of address or name of an owner

- (1) The owner of a pleasure craft must notify the registrar of —
- (a) a change of address;
 - (b) a change of name.
- (2) A notification under paragraph (1) must be accompanied by —
- (a) the certificate of registration;
 - (b) the documents listed or referred to in regulation 5(3); and
 - (c) the prescribed fee.
- (3) In all cases of a change of address or a change of name, the registrar —
- (a) must alter the register and the certificate of registration accordingly with the new details; and
 - (b) must not delete the previous details from the register or the certificate of registration.

11 Changes to registered details

- (1) The owner of a pleasure craft must notify the registrar of any material changes to the craft details.
- (2) A material change is one which affects any of the items listed in paragraphs 1(c) to 1(l) of Schedule 4.
- (3) A notification under paragraph (1) must be accompanied by —
- (a) the certificate of registration; and
 - (b) the prescribed fee.

- (4) In all cases of a material change, the registrar —
 - (a) must alter the register and the certificate of registration accordingly with the new details; and
 - (b) must not delete the previous details from the register or the certificate of registration.

12 Cancellation of registration

- (1) Where a registered pleasure craft—
 - (a) has been lost, burnt, broken up, or ceases to be such a craft; or
 - (b) is to be permanently removed from the Island;

the owner of the pleasure craft must immediately give notice of that event to the registrar, and must deliver to the registrar the certificate of registration, or account for the same to the satisfaction of the registrar.
- (2) The registrar must on receipt of that notice cancel the certificate of registration and note the cancellation in the register against the pleasure craft's entry.
- (3) If, from any representation made by the owner or otherwise, the Department is satisfied that any pleasure craft has ceased to exist as such a craft, although the owner may have omitted or been unable to give notice of the same as required, it may direct that the registration of such craft should be cancelled.

13 Lost certificates

When the owner of a pleasure craft applies to, and proves to the satisfaction of, the registrar that the certificate of registration of the craft has been mislaid, lost or destroyed, the registrar may on the payment of the prescribed fee grant to the owner a copy of the certificate of registration of the craft certified under his or her hand to be a true copy, and that copy has all the effect of the original.

14 Failure to comply with regulations

- (1) The owner of a pleasure craft is guilty of an offence if the owner —
 - (a) fails to register the pleasure craft in accordance with regulation 5 or 9(2);
 - (b) fails to mark the pleasure craft or any tender in accordance with regulation 7(1) or (3);
 - (c) fails to submit a certificate of registration in accordance with regulation 8(1);
 - (d) fails to notify the registrar of a change of address or a change of name in accordance with regulation 10; or
 - (e) fails to notify the registrar of a material change in the registered details in accordance with regulation 11.

- (2) A person is guilty of an offence if the person, without reasonable excuse –
- (a) effaces, alters, makes illegible, covers or conceals, in any manner whatsoever, the symbol prescribed by these Regulations or the number assigned to the pleasure craft;
 - (b) fails to deliver up to a new owner the certificate of registration in accordance with regulation 9(1)(a);
 - (c) fails to notify the registrar of a change of ownership in accordance with regulation 9(1)(b);
 - (d) fails to account for the whereabouts of a certificate of registration when requested to do so; or
 - (e) fails to deliver up to the registrar the certificate of registration in accordance with regulation 12(1).

15 Penalties

Any person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding £5,000.

16 Prescribed fees

The fees specified in Schedule 5 to these Regulations shall have effect for the purposes of these Regulations.

17 Transitional provisions

- (1) The registrar and assistant registrars appointed under regulation 4(2) of the Pleasure Craft Regulations are deemed to be appointed as the registrar or assistant registrar, respectively, for the purpose of these Regulations.
- (2) Pleasure craft registered under the Pleasure Craft Regulations are deemed to be registered under these Regulations.

18 Disapplication

These Regulations do not apply to pleasure craft that are registered or deemed to be registered under the Merchant Shipping Registration Act 1991.

19 Revocation

The Registration of Pleasure Craft Regulations 2017³ are revoked.

MADE 15 SEPTEMBER 2017

³ SD 2017/0136

SCHEDULE 1

[Regulations 4 and 7]

PROVISIONS RELATING TO SYMBOL AND NUMBERS OF PLEASURE CRAFT

- 1 The symbol portrayed adjoining the number shall be the “Three Legs of Man” in white on a red background and must be displayed so as to appear alongside the number that has been assigned to the pleasure craft under regulation 5(4), adjacent to the bow of the pleasure craft.
- 2 The numbers assigned to a pleasure craft must—
 - (a) be depicted in black figures not be less than 7 centimetres in height; and
 - (b) be on a white rectangular background extending at least 1 centimetre above below and on either side of the figures.

SCHEDULE 2

[Regulation 5]

ACCEPTABLE FORMS OF IDENTIFICATION

The following documents are acceptable forms of identification –

- (a) a passport bearing a photograph of the individual;
- (b) a current valid national identity card bearing the photograph of the individual;
- (c) a provisional or full driving licence;
- (d) a known employer ID card bearing a photograph of the individual;
- (e) a birth certificate;
- (f) a certified copy of a firearms or regulated weapons certificate;
- (g) a MiCard benefits card or original notification letter from the Treasury;
- (h) a marriage or a civil partnership certificate;
- (i) a Deed Poll evidencing a change of name.

SCHEDULE 3

[Regulation 5]

ACCEPTABLE METHODS OF PROOF OF ADDRESS

The following documents are to be taken as an acceptable form of proof of address—

- (a) a recent account statement from a bank, building society, credit card company, credit union, which is no more than 6 months old;
- (b) a recent mortgage statement from a from a recognised lender, which is no more than 6 months old;
- (c) a recent rates or utility bill (not including a mobile telephone bill), which is no more than 6 months old;
- (d) correspondence from an official independent source such as a Department, Statutory Board, a local authority or an office of the Government;
- (e) a provisional or full driving licence (but only if not used for proof of identity);
- (f) an advocate's letter within the last 3 months confirming recent house purchase or land registry confirmation of address;
- (g) a Department's or local authority tenancy agreement for the current year;
- (h) an original notification letter from the Treasury (but only if not used for proof of identity);
- (i) a Treasury self-assessment letter or tax demand dated within the current financial year;
- (j) Evidence of Electoral Register entry;
- (k) a NHS Medical card or letter of confirmation from GP's practice of registration with the surgery.

SCHEDULE 4

[Regulation 5]

CONTENT OF A CERTIFICATE OF REGISTRATION

The certificate of registration must contain the following particulars —

- (a) Name of the registered owner;
- (b) Address of the registered owner;
- (c) Registration number;
- (d) Pleasure craft name;
- (e) Length of the craft;
- (f) Beam of the craft;
- (g) Type of craft;
- (h) Class of craft;
- (i) Number of hulls;
- (j) Construction material;
- (k) Colour(s);
- (l) Details of tenders.

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SCHEDULE 5²

[Regulation 16]

FEES

Fee	£
First registration	£61.05 64.34
Change of ownership	£28.92 30.48
Change of address	£28.64 30.19
Change of name	£28.64 30.19
Material change of craft details	£28.64 30.19
Duplicate Certificate	£23.45 24.71

ENDNOTES**Table of Endnote References**

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Sch 5 substituted by SD2023/0053.

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