



Intended Pleasure Vessels - Temporary Commercial Use at Sea - Business Purposes

Notice to all builders, owners, surveyors, repairers, and skippers of Pleasure Vessels.

This Marine Guidance Note should be read in conjunction with Part 1 of the IPV Code.

Summary

This MGN provides guidance for the owners of Intended Pleasure Vessels which are in temporary commercial use at sea on a single-voyage basis. It explains the term “Intended Pleasure Vessel” and acts as a signpost for the existence and location of Part 1 of the Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea (The IPV Code).

Part 1 of the IPV Code is applicable to Intended Pleasure Vessels (IPV) in temporary commercial use on a single-voyage basis by vessel Owners, Manufacturers, brokers, surveyors, repairers, Delivery Companies or Equipment Service Providers contracted for business purposes relating to sale, repair, post-production / post-repair / mid-survey sea trials, equipment sea trials, customer sea trials, or vessel delivery outside the definition of Pleasure Vessel. It is applicable to IPV's of any size which are United Kingdom vessels in United Kingdom waters. It also applies to other IPV's operating from United Kingdom ports whilst in United Kingdom waters.

As long as a vessel is not already certificated, the IPV Code does not apply to a vessel which is undertaking sea trials, is being delivered, or used as a Race Support Boat wholly in a harbour, in a marina, on inland waterways, or in Categorized Waters. It is only applicable to temporary commercial use at sea, which is beyond UK Categorized Waters.

An explanation of the regulatory framework for Pleasure Vessels is provided in MGN 599 and is not the focus of this MGN.

1. Introduction to Intended Pleasure Vessels and Part 1 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**”, it 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”**, it 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 outside 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 in connection with certain temporary business purposes. This does not include charter. The new framework is set out in Part 1 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 Codes of Practice and uses the same underpinning regulations.
- 1.6 A Pleasure Vessel owner whose vessel will temporarily be in commercial use (outside the Pleasure Vessel definition) at sea on a single-voyage basis by the vessel Owner, Manufacturer, broker, surveyor, repairer, Delivery Company, or Equipment Service Provider contracted for business purposes relating to sale, repair, post-production / post-repair / mid-survey sea trials, equipment sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose should make sure that the person or company operating their vessel at sea has a means to comply with the IPV Code or an alternative UK commercial seagoing standard. For the majority of vessels temporarily in commercial use at sea, all that is required is for the operator of the vessel to have a simple Safety Management System in place, and to self-declare that the vessel meets the standards of the IPV Code.
- 1.7 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, RYA and British Marine.
- 1.8 Any Owner, Manufacturer, broker, surveyor, repairer, Delivery Company, or Equipment Service Provider taking vessels to sea in use for business purposes (outside the definition of Pleasure Vessel) relating to sale, repair, post-production / post-repair / mid-survey sea trials, equipment sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose should have in place a means of demonstrating compliance with the IPV Code as an Operator. The MCA, British Marine and the YBDSA can provide guidance on how to achieve this.
- 1.9 The IPV Code is a standalone document not attached to this MGN – it is available on the gov.uk website at the following locations: -
- <https://www.gov.uk/government/publications/small-craft-codes>
- <https://www.gov.uk/government/publications/intended-pleasure-vessels-ipv-code>
- 1.10 An Intended Pleasure Vessel means for Part 1 of the IPV Code any vessel intended to be used or normally in use as a Pleasure Vessel but which is used at sea on a single-voyage basis by the vessel Owner, Manufacturer, broker, surveyor, repairer, Delivery



Company, or Equipment Service Provider for business purposes relating to sale, repair, post-production / post-repair / mid-survey sea trials, equipment sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose

- 1.11 Single-voyage Basis means for Part 1 of the IPV Code a one-off use for business purposes relating to sale, repair, post-production / post-repair / mid-survey sea trials, equipment sea trials, customer sea trials, or vessel delivery for use in connection with that business purpose. For example, a single-voyage delivery means a voyage from one location to another. A single-voyage sea trial means a voyage from one location returning to the same location as part of the same voyage, or from one location to another. There should be no planned intermediate stops between the Departure Location and the Arrival Location, and both should be recorded on the Certificate. Upon arriving at the Arrival Location, a return to the Departure Location should be counted as a separate single-voyage (requiring a new IPV Code Certificate) unless the Departure Location and the Arrival Location are the same location.
- 1.12 It is important to stress that in the underpinning Statutory Instruments criminal liability upon summary conviction for non-compliance is assigned to Owners and Masters. What this means in practical terms is that the Code of Practice 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 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 use is merely affiliated (through employment) to the Operator, particularly where the Operator is a Body Corporate. The Codes of Practice (and the IPV Code) identify provisions equally applicable to Owners and Managing agents in recognition of contractual arrangements.

2. Certification Arrangements

- 2.1 For Part 1 of the IPV Code the Operator will need a DSM audit and certification from the MCA if they are: -
- (a) an Owner (outside Pleasure Vessel use), or
 - (b) a Manufacturer, or
 - (b) a broker / brokerage, or
 - (c) a surveyor / survey organisation, or
 - (d) a repairer / repair facility, or
 - (e) a Delivery Company, or
 - (f) an Equipment Service Provider

and engaged in more than 100 IPV voyages across the Operator's fleet on a single-voyage basis per calendar year, where those vessel movements are outside of the definition of Pleasure Vessel on a single-voyage basis beyond 1 mile from land and more than 3 miles along the coast from the Nominated Departure Point in either direction. The intention is that operations within a 6 mile by 1 mile area from the Nominated Departure Point are only required to comply with self-declaration Certificate arrangements if no more than 3 passengers or 10 persons are carried. A record of the number of IPV voyages completed needs to be recorded by the Operator in order for the Code of Practice self-declaration Certificate to be valid.

- 2.2 For Part 1 of the IPV Code the Operator will also need a DSM audit and certification if they are: -



- (a) an Owner (outside Pleasure Vessel use), or
- (b) a Manufacturer, or
- (b) a broker / brokerage, or
- (c) a surveyor / survey organisation, or
- (d) a repairer / repair facility, or
- (e) a Delivery Company, or
- (f) an Equipment Service Provider

and engaged in the movement of any vessel: -

- (i) at sea on a voyage of more than 150 miles, or
- (ii) carrying more than 3 passengers on board to sea, or
- (iii) carrying more than 10 persons on board to sea,

and any of those vessel movements are outside the definition of Pleasure Vessel on a single-voyage basis.

- 2.3 For Part 1 of the Code of Practice an Operator using an IPV in temporary commercial use on a single-voyage basis but not in excess of the criteria for DSM audit and certification listed in paragraphs 2.1 and 2.2 should comply with the terms and conditions of Part 1 of the Code of Practice, document a Safety Management System (SMS) in accordance with the Conditions of Compliance for Part 1 of the Code of Practice, and complete a self-declaration Certificate on each occasion before the vessel puts to sea. All such self-declaration Certificates should be signed and retained by the Operator for a period of 5 years. In such cases, there is no requirement to formally register use of Part 1 of this Code of Practice or notify self-declaration Certification with the MCA.
- 2.4 For Part 1 of this Code of Practice an Operator that exceeds the criteria for DSM audit and certification listed at paragraphs 2.1 and 2.2 should set up their Safety Management System (SMS) in accordance with the Conditions of Compliance of Part 1 to this Code of Practice and then apply to the MCA for a DSM audit and DSM certification prior to reaching the DSM criteria. The DSM audit will be chargeable and should be completed (with DSM certification issued) before the DSM criteria listed at paragraphs 2.1 and 2.2 are reached. Significant notice of the need for a DSM audit needs to be provided to the local Marine Office. The Operator then continues to issue self-declaration Certification on each occasion before the vessel puts to sea in accordance with Part 1 of this Code of Practice.
- 2.5 To comply with SI 1998/2771 and SI 1998/1906, the self-declaration Certificate should be displayed for the entire IPV voyage in some conspicuous place on board; or, if this is not reasonably practicable, is to be available for inspection onboard.
- 2.6 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 apply to workers onboard all vessels as defined in the regulations. Similarly, other associated health and safety regulations may apply.

3. General Criteria for Compliance

- 3.1 To comply with Part 1 of the IPV Code, the Operator should: -
- (a) ensure that the Owner authorises the use of the IPV and agrees to it being certificated to Part 1 of the IPV Code. This should be recorded on the self-declaration Certificate; and



- (b) verify that each vessel used and certificated to Part 1 of the IPV Code is an IPV and only in temporary commercial use for a single-voyage basis at sea; and
- (c) maintain and implement a Safety Management System (SMS) appropriate and proportionate to the safety risks presented by the activity undertaken; and
- (d) be in possession of a Domestic Safety Management (DSM) certificate issued by the MCA (following an audit by the MCA) where required by Section 4, Certification Arrangements, of Part 1 to the IPV Code; and
- (e) examine the vessel and ensure that the Conditions of Compliance at Section 6 of Part 1 of the IPV Code are met for every IPV voyage using Part 1 to the IPV Code; and
- (f) advise the MCA of any changes that affect compliance with Part 1 of the IPV Code (only for cases where a DSM certificate has been issued by the MCA); and
- (g) ensure that each vessel is operated within the limits of scope of Part 1 of the IPV Code, and specifically only undertakes UK domestic voyages within the limits specified in Part 1 to the IPV Code; and
- (h) ensure that vessels operated according to Part 1 of the IPV Code carry a maximum of 12 Passengers, and no more than 15 persons in total. Note that 12 passengers and 15 persons is the absolute maximum, not the criteria for DSM audit which are separate and are listed in Section 4 of Part 1 to the IPV Code.

3.2 Both the Owner and Master of the IPV (note that the Master may also be either the Owner or the Operator), should make reasonable checks that the Operator complies with Part 1 to the IPV Code. As a minimum, this may include: -

- (a) the Owner requesting sight of the Safety Management System (SMS) which identifies how the Operator meets the relevant requirements of Part 1 to the IPV Code, or
- (b) checks by the Owner that equipment specified by Part 1 to this Code of Practice is on board the vessel and this is notified to the Operator prior to signing the Certificate, or
- (c) checks by the Master that equipment specified by Part 1 to this Code of Practice is on board the vessel and this is notified to the Operator and Owner prior to them signing the Certificate.

3.3 The decision on who is the Owner and who is the Operator for the purpose of the IPV Code should be determined by all parties prior to each IPV voyage.

More Information

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