



Intended Pleasure Vessels - Temporary Commercial Use at Sea - Race Support Boats

Notice to all owners, operators and skippers of Pleasure Vessels; persons organising racing of any kind at sea; and National Governing Bodies of Sport for racing activities at sea.

This Marine Guidance Note should be read in conjunction with Part 2 of the IPV Code.

Summary

This MGN provides guidance for the owners of Intended Pleasure Vessels which are in temporary commercial use at sea as a race support boat. It explains the term “Intended Pleasure Vessel” and acts as a signpost for the existence and location of Part 2 of the Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea (The IPV Code).

The IPV Code is applicable to any UK Pleasure Vessel or non-UK Pleasure Vessel operating from UK ports, while in UK waters. Use of Part 2 of the IPV Code disapplies Merchant Shipping Regulations for commercial use by using existing Regulations but only for temporary commercial use at sea on a single-voyage basis as a Race Support Boat for the purpose of Race Support Activities affiliated to the National Governing Body of the Sport.

Part 2 of the IPV Code provides a standard for small (<15m) Intended Pleasure Vessels used for no more than 10 Race Events per year as a Race Support Boat (RSB) for Race Support Activities outside the definition of Pleasure Vessel either by the Owner or persons authorised by the Owner to do so.

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 Vessel and Part 2 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 IPV Code provides a simple framework for achieving temporary commercial compliance for Race Support Boats (RSBs) providing Race Support Activities at sea outside of the Pleasure Vessel definition. The scope of Part 2 of the IPV Code does not include charter for which the owner receives money for or in connection with operating the vessel as a RSB other than as a contribution to the direct running costs. In other words, it cannot be used when a voyage is outside of the Pleasure Vessel definition because the use is not as a free voyage or excursion. The new framework is set out in Part 2 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 Small Commercial Vessel Codes and uses the same underpinning regulations. Part 2 of the IPV Code also acts as good practice guidance for other uses of RSBs (for example for use by owners where the vessel is operated within the Pleasure Vessel definition).
- 1.6 Part 2 of the IPV Code is applicable to Intended Pleasure Vessels (IPV) which are in temporary commercial use at sea on a single-voyage basis as a **Race Support Boat for the purpose of Race Support Activities at sea affiliated to the National Governing Body of the Sport**. It can only be used for a vessel to complete up to 10 Race Events outside the Pleasure Vessel definition per calendar year.
- 1.7 Part 2 of the IPV Code is applicable to IPVs of no more than 15m Length which are United Kingdom vessels within United Kingdom waters (or any other IPV of no more than 15m Length operating from United Kingdom ports) whilst fulfilling a role in United Kingdom waters as a Race Support Boat for any racing activity at sea which is affiliated to the UK National Governing Body of Sport.
- 1.8 Part 2 of the Code of Practice only applies to Race Support Activities to sea within 3 miles from the Nominated Departure Point named in the Certificate and never more than 3 miles from land, in favourable weather and daylight (Code Area Category 6). It only applies to Race Support Activities within the description of: -
 - a) transition to the Race Course Area(s) as defined by the Notice of Race, and
 - b) movements as directed by the Race Committee as defined by the Notice of Race.
- 1.9 Race Support Boats (RSB) used beyond the scope of application for Part 2 of this Code of Practice should instead be Certificated to an alternative and appropriate Code of Practice or should reconsider the way the vessel is used so that it is operated entirely within the definition of Pleasure Vessel.
- 1.10 The user of the vessel is termed the “Operator” and has responsibilities for equipping and maintaining the vessel according to Part 2 of the IPV Code. In many cases the



Operator for Part 2 of the IPV Code is likely to be the club organising the racing but this depends on the individual circumstances and arrangements of the race as determined by the Owner and the Race Committee. The Owner has a responsibility for ensuring that the Operator has a Safety Management System in place in order to disapply the Merchant Shipping Regulations through compliance with Part 2 of this Code of Practice.

- 1.11 The IPV Code allows for Operators to declare that they will use the Owner's vessel safely, and to allow for the Owner to declare that they are content for the Operator to use their vessel. Both the Owner and the Master are responsible for due diligence to check that the Operator complies with Part 2 of the IPV Code.
- 1.12 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 or the RYA.
- 1.13 Any owner of a Pleasure Vessel wishing to use it as an IPV in temporary commercial use at sea as a RSB should have in place a means of demonstrating compliance with Part 2 of the IPV Code as an Operator. The MCA or RYA can provide guidance on how to achieve this.
- 1.14 The IPV Code is a standalone document not attached to this MGN – it is available on the gov.uk website at the following location: -

<https://www.gov.uk/government/publications/small-craft-codes>
- 1.15 An Intended Pleasure Vessel (IPV) for Part 2 of the IPV Code means any vessel intended to be used or normally in use as a Pleasure Vessel but which is used at sea as a Race Support Boat
- 1.16 Single-voyage Basis means for Part 2 of the IPV Code one Race Event and a Race Event means a series of races affiliated to the National Governing Body of Sport. A series of races is to be held over no more than 7 consecutive days.
- 1.17 Race Support Boat means for Part 2 of the IPV Code a vessel used for Race Support Activities in a race affiliated to the National Governing Body of Sport.
- 1.18 Race Support Activities means for Part 2 of the IPV Code either: -
 - (a) laying, adjusting and collecting of racing course and boundary markers at sea, or
 - (b) monitoring the safety of a race at sea, or
 - (c) assisting race participants in difficulties at sea, or
 - (d) providing support to competitors while afloat at sea (including coaching), or
 - (e) adjudicating a race at sea, or
 - (f) marshalling the race participants and spectators at sea, or
 - (g) tidal and meteorological forecasting for a race at sea, or
 - (h) any similar activity which is in direct support of the sporting participants taking part in a race at sea.
- 1.19 It is important to stress that in the underpinning Statutory Instruments (SI1998/2771 and SI1998/1906) criminal liability upon summary conviction for non-compliance is assigned to Owners and Masters only. What this means in practical terms is that the IPV Code 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 indeed 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 operations is merely affiliated (through employment) to the Operator, particularly where the Operator is a Body Corporate.

2 Certification Arrangements

- 2.1 The intent of Part 2 of the IPV Code is to provide a proportionate and appropriate level of safety for temporary, single-voyage basis commercial use for IPVs used as a Race Support Boat, while not affecting the construction of the vessel or placing undue burdens on the operator using it. It is not intended to be more onerous than would be expected of usual race management practice in the UK for Race Support Boats.
- 2.2 It is also intended to ensure that pleasure vessel construction standards and appropriate equipment and operational measures are applied to deliver an equivalent level of safety by accounting for the limited potential risk of this type of use.
- 2.3 Part 2 of the IPV Code applies a self-declaration Certificate approach. An Operator using an IPV in temporary commercial use at sea on a single-voyage basis as a Race Support Boat should comply with the requirements of Part 2 of the IPV Code and issue a self-declaration Certificate for each Race Event before the Race Support Boat puts to sea.
- 2.4 All self-declaration Certificates should be signed by the Owner and Operator, displayed on board for the duration of the IPV voyage, and retained by the Operator for a minimum period of 5 years. There is no requirement to formally register with the MCA the use of Part 2 of the IPV Code or notify self-declaration Certification with the MCA.
- 2.5 The MCA recommends that for open vessels the self-declaration Certificate is laminated or stowed in a dry-bag so that it is not damaged by sea spray or rain.
- 2.6 The MCA advises that the Registry of Shipping and Seamen (RSS) is contacted if the vessel has been registered as a United Kingdom Part 1 Pleasure Vessel but is wanting to use the IPV Code. A change to registration or temporary registration suspension may be required if the IPV Code is going to be used so the RSS should be consulted.
- 2.7 A vessel Owner always has the option of applying to the MCA for single-voyage Load Line Exemption(s) on a case-by-case basis or certification to a Small Commercial Vessel Code of Practice applicable for non-temporary use.
- 2.8 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 apply to workers on board all vessels as defined in the regulations. Similarly, other associated health and safety regulations may apply.

3 General Requirements for Compliance

- 3.1 To comply with Part 2 of this Code of Practice, the Operator should: -
 - (a) ensure that the Owner authorises the use of the IPV as a Race Support Boat and agrees to it being certificated to Part 2 of this Code of Practice, this should be indicated by the Owner's signature on the self-declaration Certificate; and



- (b) verify that each vessel used and Certificated to Part 2 of this Code of Practice is an IPV and only in temporary commercial use for a single-voyage basis on no more than 10 Race Events per calendar year as a Race Support Boat for Race Support Activities 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 in accordance with the Race Management guidance issued by the National Governing Body of the Sport; and
- (d) examine the vessel and ensure that the Conditions of Compliance at Section 6 of Part 2 of the IPV Code are met for every voyage or operation using Part 2 of the Code; and
- (e) ensure that each RSB only undertakes UK domestic voyages within the limits specified in the Conditions of Compliance; and
- (f) ensure that Race Support Boats operated to Part 2 of the Code of Practice carry no passengers and no more than 10 persons in total (see paragraph 6.6 of Part 2 of the IPV Code for a clarification).

More Information

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