



## MERCHANT SHIPPING ACT 1985

### MERCHANT SHIPPING (PLEASURE CRAFT) (LISTS OF CREW) REGULATIONS 1989

1. The Merchant Shipping (Pleasure Craft) (Lists of Crew) Regulations 1989, a copy of which is attached, were made by the *former* Department of Highways, Ports and Properties on the 3rd. April, 1989 in exercise of powers conferred by sections 1 and 2 of the Merchant Shipping Act 1985.
2. These Regulations require the master of every pleasure craft of over 80 GRT which is registered in the Isle of Man to maintain a list of the crew employed on board the vessel and containing the details of each crew member specified in Regulation 5. Crew lists will remain in force for periods of twelve months.
3. The owner of the pleasure craft must additionally maintain a copy of the crew list at an address in the Isle of Man. Crew lists must be produced on demand to the Department, HM Customs, Consular Officers and the Registrar General of Shipping and Seamen. In the event of the vessel ceasing to be registered in the Island the crew list must be delivered up to the Department.
4. The Regulations came into operation on the 1st. June, 1989.
5. This text includes the amendments (indicated by *bold italics*) made to the Regulations by -
  - (a) the Merchant Shipping (Yachts in Commercial Use) Regulations 1993 (SD 248/93);
  - (b) Criminal Justice (Penalties Etc.) Act 1993 [c. 18];
  - (c) Transfer of Functions (Marine Administration) Order 1997 (SD 51/97).
  - (d) Merchant Shipping (Pleasure Vessel) Regulations 2003 (SD396/03)

Price : £0.90.

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### MERCHANT SHIPPING (PLEASURE CRAFT) (LISTS OF CREW) REGULATIONS 1989

In exercise of the powers conferred on the Department of Highways, Ports and Properties <sup>(a)</sup> by sections 1 and 2 of the Merchant Shipping Act 1985 <sup>(b)</sup> and of all other powers enabling it in that behalf, after consultation with the Secretary of State and those persons referred to in section 2(2) of the Merchant Shipping Act 1985, the following Regulations are hereby made:-

#### Citation, commencement and revocation

1. These regulations may be cited as the Merchant Shipping (Pleasure Craft) (Lists of Crew) Regulations 1989, and shall come into operation on 1st. June, 1989.

#### Interpretation

2. In these Regulations :

“Department” means the *Department of Trade and Industry*;

“GRT” means gross registered tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 16 of the Merchant Shipping (Tonnage) (Isle of Man) Regulations 1984 <sup>(c)</sup>, the gross tonnage shall be that determined under regulation 16;

#### *Definition of Pleasure Vessel as amended by SD 396/03 MS (Pleasure Vessel) Regulations 2003*

“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.*

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- (a) Functions transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97).  
(b) 1985 c.3  
(c) GC 234/84. Now superseded by SD 513/98

*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.*

“smooth and partially smooth waters” means the waters defined as such in Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977 <sup>(d)</sup> and any waters adjacent to another country treated for the purposes of merchant shipping safety legislation of that country as sheltered waters.

### **Application and Exemption**

3 (1) Subject to the provisions of these Regulations, these Regulations apply to pleasure craft being Manx ships of 80 GRT and above.

(2) These Regulations do not apply to pleasure craft which do not go to sea beyond the limits of smooth or partially smooth waters.

(3) Notwithstanding the provisions of paragraph (1) of this regulation the Department may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes or individual cases on such terms (if any) as it may so specify, and may, subject to giving reasonable notice, alter or cancel any such exemption.

4. The duty imposed by section 52 of the Merchant Shipping (Masters and Seamen) Act 1979 <sup>(e)</sup>, shall not apply in relation to pleasure craft of less than 80 GRT.

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(d) S.I. 1977/252 as applied to the Isle of Man by GC 38/85 (now superseded by SI 1987/1591)

(e) 1979 c. 14

## **Particulars to be specified in lists of crew**

5. A list of crew shall contain the following particulars -
- (a) (i) the name of the pleasure craft, its port of registry and official number; and
  - (ii) the name of the owner of the pleasure craft and his address
  - (b) In respect of every seaman from time to time on board the pleasure craft, whether or not he is employed under a crew agreement
    - (i) his name;
    - (ii) his address;
    - (iii) the number of his current discharge book (if any) or the date and place of his birth;
    - (iv) the name of the ship in which he was last employed, and, if he was discharged from that ship more than 12 months before he became employed in the ship to which the list of crew relates, the year in which he was so discharged;
    - (v) the capacity in which he is employed in the pleasure craft;
    - (vi) the grade (including any command, service or other endorsement) and number of any certificate of competency or of service held by him;
    - (vii) the date on which he went on board the pleasure craft to commence his employment in it;
    - (viii) the date on and place at which he left the pleasure craft and, if he left on discharge, the reason for his discharge;
    - (ix) if he is left behind otherwise than on discharge, the date and place of and the reason (if known to the master) for this being done; and
    - (x) the name and relationship of his next of kin and the address of his next of kin, if different from that of the seaman.

## **Delivery of copies of lists of crew and notification of changes**

- 6 (1) A copy of every list of crew (including all changes in it notified to the owner) shall be maintained by the owner of the pleasure craft at an address in the Island.
- (2) The master shall, as soon as practicable and in any event within 3 days of any change being made in the list of crew, notify the change to the owner of the pleasure craft.
- (3) In this regulation, “owner of the pleasure craft” means-
- (a) the person registered as managing owner, ships husband or manager; or
  - (b) if there is no such person, the owner of the pleasure craft.

7. When any person having in his possession the copy of a list of crew required to be maintained under regulation 6, has reason to believe that the ship to which it relates has been lost or abandoned, or has ceased to be registered in the Island, he shall immediately deliver the copy of the list to the Department.

8. A person having in his possession a copy of a list of crew of a Pleasure Craft required to be maintained under these Regulations shall produce it on demand to the Department.

9 (1) A list of crew shall remain in force for a period of twelve months beginning with the date when the first entry relating to a seaman is made in the list

(2) As soon as is practicable after a list of crew relating to a pleasure craft to which these regulations apply has ceased to be in force, the master shall deliver the list to the Department.

### **Production Lists of Crew**

10. A master shall on demand produce to the Department, the Registrar General of Shipping and Seamen, or proper officer or an officer of Customs and Excise the list of crew required to be maintained in the pleasure craft.

### **Penalties**

11. A person who fails to comply with an obligation imposed on him by these Regulations shall be guilty of an offence and be liable on summary conviction to a fine not exceeding **£1,000**.

Made this 3rd. day of April, 1989

*A. Arnold Callin,*

MINISTER for  
Highways, Ports and Properties.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations)*

These Regulations require the master of every pleasure craft of over 80 GRT which is registered in the Isle of Man to maintain a list of the crew employed on board the vessel and containing the details of each crew member specified in Regulation 5. Crew lists will remain in force for periods of twelve months.

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Amendments:

This text includes the amendments (indicated by ***bold italics***) made to the Regulations by -

- (a) the Merchant Shipping (Yachts in Commercial Use) Regulations 1993 (SD 248/93);
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